

MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
January 21-22, 1992

Meeting convenes at 10:00 a.m., Tuesday, January 21, in the fourth floor conference room.

Public Participation (January 21) ~~(Item #10)~~ 10:30 a.m.

APPOINTMENTS: ~~Jack Fisher (Item #10)~~
~~Brad Barratt + Ron Ridgoun (Item #10)~~

Don Etler (Item #10) 10:45 a.m.

Capitol Oil Co. (Item #17d) 2:00 p.m.

~~Amoco Oil Co. (Item #17A)~~ 1:30 p.m.

Break 3:00 p.m.

~~Don Maasdam (Item #17B)~~ 2:30 p.m.

Legislative Reception (Jan. 22) 4th fl., Wallace Bldg. 7:30 a.m.

Tour Pirelli-Armstrong Tire Co. (Jan. 22) 9:30 a.m. - Noon

1. Approve Agenda.
2. Approve Minutes of December 16, 1991.
3. Director's Report. (Wilson) Information.
4. Financial Status Report. (Kuhn) Information.
5. Landfill Alternatives Grant Applications. (Hay) Information.
6. 1991 Toxic Cleanup Days Report. (Hay) Information.
7. Toxics Pollution Prevention Funding Report. (Hay) Information.
8. Proposed Rule--Chapter 101, Submittal Schedule for Solid Waste Comprehensive Plans. (Hay) Information.
9. Monthly Reports. (Stokes) Information.
10. Final Rule--Chapter 61, Section 401 Certification - Corps of Engineer's Nationwide Permits. (Stokes) Decision.
11. State Revolving Fund - Intended Use Plan. (Stokes) Decision.
- delete* 12. ~~Proposed Rule--Chapter 92, State Revolving Fund Loans for Wastewater Treatment.~~ (Stokes) Information.
13. Notice of Intended Action--Chapter 148, Registry of Hazardous Waste or Hazardous Substance Disposal Sites. (Stokes) Decision.
14. Notice of Intended Action--Chapters 100 and 102, Permits: Special Waste Authorizations. (Stokes) Decision.

EPC Agenda - Page 2

- 15. Economic Impact Statement for Chapter 135 Amendments. (Stokes) Decision.**
- 16. Petition for Rulemaking - City of Mount Pleasant. (Stokes) Decision.**
- 17. Referrals to the Attorney General. (Stokes) Decision.**
 - (a) Amoco Pipeline Company (Dubuque)**
 - (b) Don Maasdam (Rolfe)**
 - (c) Vern Starling (Boone Co.)**
 - (d) Capitol Oil Co. d/b/a Dakota MHP (Iowa City)**
 - (e) Flyway Cafe (Green Island)**
- 18. General Discussion.**
- 19. Address Items for Next Meeting.**

NEXT MEETING DATES

February 17, 1992
March 16, 1992
April 20, 1992

ENVIRONMENTAL PROTECTION COMMISSION

Monday, January 21, 1992

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

VERN MATHENY	CENTRAL IOWA POWER COOPERATIVE	CEDAR RAPIDS
Jim MacClure	Iowa Drainage ass.	Orange Ia
AUGUST WESTERGAARD	McCandless & Leghman Inter County	Whiting Ia.
Jack Hodgson	Little Sioux Intercounty Drainage	Des Moines, Ia
Leo F Nichols	Northern Natural Gas Co	W. Des Moines
Amy Christensen-Couch	Wasker Sullivan & Ward	Des Moines
Merlin Plagge	Ia Farm Bureau	Sheffield
Brad Barnett	Iowa Dept of Transportation	Ames
Ron Ridgour	Iowa DOT	Ames
RUSS HELMS	Ia Co. ENGINEERS ASSN	JEFFERSON
James E. Eklund	Iowa Farm Bureau	
DANNY VEST	GROWMARK, INC	BLOOMINGTON, IL.
LIZ CHRISTIANSEN	EAST CENTRAL IDWA	CEDAR RAPIDS
	COUNCIL OF GOVS	
NATHAN SHEPHERD	Iowa CITIZEN ACTION NETWORK	Iowa CITY
Jane McAllister	Auliers Law Firm	DSM
Rick Kelley	UHL	DSM

ENVIRONMENTAL PROTECTION COMMISSION

January 21, 1992

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Don Etler

Etler Engr. Co.

Emmetsburg

Jack Fincher

Socwa Drainage
District Assn

Pomeroy Ia

Fagen Platt

Folk County

Folk Co

Don Bakwang

Co Supervisor

Hardin

Don Thompson

Pocahontas Co Supervisor

Rolfe

Donald Heerdt

Emmet Co Supervisor

Ringside

Don H. Torgg

Pocahontas Co Supervisor

Lawrence

Paul Samson

Day County Supervisor

Spencer

RALPH CHRISTIANSEN

POCAHONTAS COUNTY SUPERVISOR

FONDA

John R. Eufon

Harrison Co. Supervisor

Mo. Valley

ED KISTENMACHER

PETRO. MARKETERS

Shs Morris

Steve Stamm

Capital Oil Co.

Jawa City

RECORD COPY *Epc Meeting*
File Name *ADM-1-1-1 Jan. 1992*
Senders initials *JG.*

Minutes of the Environmental Protection Commission Meeting

January 21, 1992

Wallace State Office Building, Des Moines, Iowa

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JANUARY 1992 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 10:00 a.m. on January 21, 1992.

MEMBERS PRESENT

Verlon Britt, Richard Hartsuck (after 2:30 p.m.) Rozanne King, Charlotte Mohr, Margaret Prah, Gary Priebe, Nancy Lee Siebenmann, and Clark Yeager.

MEMBERS ABSENT

William Ehm, Richard Hartsuck (until 2:30 p.m.)

Vice Chairperson Yeager presided over the meeting in Commissioner Hartsuck's absence.

ADOPTION OF AGENDA

The following appointments were added to the agenda:

Amoco Oil Company (Item #17A) - 1:30 p.m.
Don Maasdam (Item #17B) - 2:30 p.m.

Item #12 was deleted from the agenda to allow counsel to review it.

Director Wilson announced that the final decision on Item # 10 will be delayed until 2:30 p.m., as Richard Hartsuck will not be present until that time and he would like to take part in the discussion of that item.

Motion was made by Rozanne King to approve the agenda as amended. Seconded by Charlotte Mohr. Motion carried unanimously.

ADOPTION OF MINUTES

Motion was made by Charlotte Mohr to approve the minutes of December 16, 1991, as presented. Seconded by Rozanne King. Motion carried unanimously.

DIRECTOR'S REPORT

Director Wilson stated that the Commission is hosting a breakfast for the legislators who are on the Environmental and Energy Committees, Natural Resources Committee, and Appropriations Committee. Legislative assignments will be made for each Commissioner at the end of today's meeting.

FINACIAL STATUS REPORT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached are the division by division Year-To-Date expenditure status reports as of 12/31/91.

As in previous months, operational expenditures are significantly under budget due to staff vacancies and other spending constraints.

(Reports are shown on the following 3 pages)

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 12/31/91

	TOTAL EXPENDITURES 12/01/91 - 12/31/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
1000 DIRECTOR'S OFFICE					
101 PERSONAL SERVICES	17,415.44	85,861.05	83,765.00	2,096.00	167,531.00
202 IN-STATE TRAVEL	1,444.01	9,782.16	18,500.00	8,718.00-	37,000.00
205 OUT-STATE TRAVEL	0.00	595.00	1,500.00	905.00-	3,000.00
301 OFFICE SUPPLIES	349.50	696.88	1,000.00	303.00-	2,000.00
303 EQUIPMENT MAINTENANCE SUP	0.00	263.83	375.00	111.00-	750.00
308 OTHER SUPPLIES	38.17	38.17	600.00	562.00-	1,200.00
309 PRINTING & BINDING	909.85	5,249.15	7,000.00	1,751.00-	14,000.00
401 COMMUNICATIONS	450.77	2,277.64	1,500.00	778.00	3,000.00
406 OUTSIDE SERVICES	0.00	1,680.22	1,000.00	680.00	2,000.00
410 DATA PROCESSING	187.46	696.59	2,400.00	1,703.00-	4,800.00
414 REIMBURSEMENTS TO OTHER A	66.92	66.92	375.00	308.00-	750.00
501 EQUIPMENT	0.00	369.22	1,937.00	1,568.00-	3,874.00
DIVISION TOTAL	20,862.12	107,576.83	119,952.00	12,375.00-	239,905.00

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2000 COORDINATION AND INFORMATION					
101 PERSONAL SERVICES	88,465.12	609,629.29	641,554.00	31,927.00-	1,283,115.00
202 IN-STATE TRAVEL	1,272.95	6,974.36	11,000.00	4,026.00-	22,000.00
203 STATE VEHICLE OPERATION	522.92	3,319.58	4,360.00	1,041.00-	8,721.00
204 STATE VEHICLE DEPRECIATIO	655.00	4,430.00	6,230.00	1,800.00-	12,460.00
205 OUT-STATE TRAVEL	764.32	2,220.18	4,375.00	2,155.00-	8,750.00
301 OFFICE SUPPLIES	3,395.49	55,957.16	51,175.00	4,783.00	102,350.00
302 FACILITY MAINTENANCE SUPP	745.89	2,895.47	2,000.00	896.00	4,000.00
303 EQUIPMENT MAINTENANCE SUP	0.00	808.15	1,500.00	692.00-	3,000.00
308 OTHER SUPPLIES	3,474.04	24,403.48	31,452.00	7,049.00-	62,905.00
309 PRINTING & BINDING	32,329.76	147,357.44	179,796.00	32,439.00-	359,593.00
312 UNIFORMS & RELATED ITEMS	132.44	135.77	300.00	164.00-	600.00
401 COMMUNICATIONS	3,160.71	14,357.99	13,800.00	558.00	27,600.00
402 RENTALS	0.00	323.46	250.00	73.00	500.00
403 UTILITIES	9.60	73.73	375.00	301.00-	750.00
405 PROF & SCIENTIFIC SERVICE	0.00	50.00	3,500.00	3,450.00-	7,000.00
406 OUTSIDE SERVICES	2,851.94	16,065.21	29,500.00	13,433.00-	59,000.00
410 DATA PROCESSING	1,223.33	4,371.29	6,725.00	2,354.00-	13,450.00
414 REIMBURSEMENTS TO OTHER A	542.80	1,180.60	2,500.00	1,319.00-	5,000.00
501 EQUIPMENT	1,952.02	2,072.45	1,500.00	573.00	3,000.00
DIVISION TOTAL	141,498.33	896,625.61	991,892.00	95,267.00-	1,983,794.00

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3000 ADMINISTRATIVE SERVICES DIV.					
101 PERSONAL SERVICES	263,609.47	1,815,418.03	1,975,734.00	160,317.00-	3,951,473.00
202 IN-STATE TRAVEL	6,634.30	29,261.68	28,000.00	1,262.00	56,000.00
203 STATE VEHICLE OPERATION	4,639.02	28,476.10	30,250.00	1,774.00-	60,500.00
204 STATE VEHICLE DEPRECIATIO	5,805.00	34,755.00	37,100.00	2,345.00-	74,200.00
205 OUT-STATE TRAVEL	8.60	831.50	650.00	182.00	1,300.00
301 OFFICE SUPPLIES	53,584.89	153,945.29	169,300.00	15,356.00-	338,600.00
302 FACILITY MAINTENANCE SUPP	197.25	321.20	500.00	179.00-	1,000.00
303 EQUIPMENT MAINTENANCE SUP	4,969.63	16,643.02	26,000.00	9,357.00-	52,000.00
308 OTHER SUPPLIES	2,529.98	7,493.76	5,850.00	1,643.00	11,700.00
309 PRINTING & BINDING	508.45	4,059.85	10,150.00	6,089.00-	20,300.00
312 UNIFORMS & RELATED ITEMS	822.66	891.20	1,600.00	709.00-	3,200.00
401 COMMUNICATIONS	5,284.14	44,074.02	39,900.00	4,174.00	79,800.00
402 RENTALS	369.25	369.25	250.00	119.00	500.00
406 OUTSIDE SERVICES	754.15	9,970.69	24,950.00	14,979.00-	49,900.00
408 ADVERTISING & PUBLICITY	101.50	101.50	250.00	149.00-	500.00
410 DATA PROCESSING	5,228.85	63,725.41	53,250.00	10,476.00	106,500.00
412 AUDITOR OF STATE REIMBURS	0.00	35,636.00	42,500.00	6,864.00-	85,000.00
414 REIMBURSEMENTS TO OTHER A	2,119.16	7,789.85	21,250.00	13,460.00-	42,500.00
501 EQUIPMENT	3,465.54	11,351.75	80,000.00	68,649.00-	160,000.00
701 LICENSES	0.00	100.00	25.00	75.00	50.00
DIVISION TOTAL	360,631.84	2,265,215.10	2,547,509.00	282,296.00-	5,095,023.00

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4000 PARKS, PRES. & RECREATION DIV.					
101 PERSONAL SERVICES	309,502.29	2,782,755.00	2,786,663.00	3,908.00-	5,573,330.00
202 IN-STATE TRAVEL	8,812.59	38,198.49	42,298.00	4,098.00-	84,599.00
203 STATE VEHICLE OPERATION	17,624.72	100,850.67	96,249.00	4,602.00	192,500.00
204 STATE VEHICLE DEPRECIATIO	24,345.00	143,240.00	116,347.00	26,893.00	232,697.00
205 OUT-STATE TRAVEL	310.25	2,275.92	2,207.00	69.00	4,415.00
301 OFFICE SUPPLIES	1,435.74	15,669.51	23,975.00	8,305.00-	47,950.00
302 FACILITY MAINTENANCE SUPP	52,445.78	229,745.66	210,702.00	19,043.00	421,404.00
303 EQUIPMENT MAINTENANCE SUP	32,118.08	149,097.44	144,625.00	4,473.00	289,250.00
307 AG., CONSERVATION & HORT S	114.11	3,340.65	10,750.00	7,410.00-	21,500.00
308 OTHER SUPPLIES	4,380.99	17,847.61	19,347.00	1,498.00-	38,694.00
309 PRINTING & BINDING	35.60	2,748.69	15,250.00	12,501.00-	30,500.00
312 UNIFORMS & RELATED ITEMS	13,221.57	19,516.74	25,801.00	6,285.00-	51,602.00
401 COMMUNICATIONS	11,634.96	44,595.12	49,501.00	4,906.00-	99,002.00
402 RENTALS	1,452.00	16,056.98	14,175.00	1,881.00	28,350.00
403 UTILITIES	50,007.50	222,688.06	189,225.00	33,464.00	378,451.00
405 PROF & SCIENTIFIC SERVICE	0.00	3,810.00	42,527.00	38,717.00-	85,055.00
406 OUTSIDE SERVICES	15,655.19	98,291.86	106,500.00	8,208.00-	213,000.00
408 ADVERTISING & PUBLICITY	9.58-	10.66	25.00	14.00-	50.00
410 DATA PROCESSING	383.74	1,484.06	5,000.00	3,517.00-	10,000.00
414 REIMBURSEMENTS TO OTHER A	669.24	2,354.11	2,750.00	397.00-	5,500.00
501 EQUIPMENT	15,026.52	43,313.01	63,000.00	19,687.00-	126,000.00
602 OTHER EXPENSES & OBLIGATI	3,588.00	5,264.36	1,350.00	3,914.00	2,700.00
DIVISION TOTAL	562,754.29	3,943,154.60	3,968,267.00	25,112.00-	7,936,549.00

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5000 FORESTRY DIVISION					
101 PERSONAL SERVICES	113,437.44	844,656.31	981,085.00	136,426.00-	1,962,174.00
202 IN-STATE TRAVEL	3,139.01	18,655.12	25,469.00	6,813.00-	50,939.00
203 STATE VEHICLE OPERATION	6,258.50	40,567.93	37,500.00	3,068.00	75,000.00
204 STATE VEHICLE DEPRECIATIO	11,035.00	62,300.00	54,790.00	7,510.00	109,580.00
205 OUT-STATE TRAVEL	302.88	1,458.36	1,500.00	42.00-	3,000.00
301 OFFICE SUPPLIES	1,417.19	10,476.17	10,350.00	126.00	20,700.00
302 FACILITY MAINTENANCE SUPP	5,473.56	23,229.36	19,250.00	3,979.00	38,500.00
303 EQUIPMENT MAINTENANCE SUP	6,476.09	23,909.37	29,050.00	5,140.00-	58,100.00
307 AG., CONSERVATION & HORT S	17,533.86	101,117.57	44,611.00	56,507.00	89,223.00
308 OTHER SUPPLIES	458.73	2,816.06	24,750.00	21,934.00-	49,500.00
309 PRINTING & BINDING	0.00	3,966.65	7,200.00	3,234.00-	14,400.00
312 UNIFORMS & RELATED ITEMS	2,292.21	5,089.70	8,049.00	2,959.00-	16,100.00
401 COMMUNICATIONS	4,911.28	17,357.65	17,400.00	42.00	34,800.00
402 RENTALS	1,256.84	7,001.25	15,000.00	7,999.00-	30,000.00
403 UTILITIES	2,675.46	11,135.90	16,250.00	5,113.00-	32,500.00
405 PROF & SCIENTIFIC SERVICE	168.50	168.50	38,000.00	37,832.00-	76,000.00
406 OUTSIDE SERVICES	9,330.97	16,631.90	20,250.00	3,617.00-	40,500.00
408 ADVERTISING & PUBLICITY	296.22	1,631.26	450.00	1,181.00	900.00
410 DATA PROCESSING	188.01	699.43	550.00	149.00	1,100.00
501 EQUIPMENT	25,164.12	50,699.34	69,521.00	18,821.00-	139,043.00
DIVISION TOTAL	211,815.87	1,243,567.83	1,421,025.00	177,452.00-	2,842,059.00

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6000 ENERGY & GEOLOGICAL RESOURCES					
101 PERSONAL SERVICES	158,161.60	1,108,592.28	1,217,244.00	108,650.00-	2,434,505.00
202 IN-STATE TRAVEL	1,353.21	13,544.59	24,926.00	11,382.00-	49,854.00
203 STATE VEHICLE OPERATION	2,029.71	11,825.23	13,000.00	1,175.00-	26,000.00
204 STATE VEHICLE DEPRECIATIO	2,445.00	14,670.00	14,850.00	180.00-	29,700.00
205 OUT-STATE TRAVEL	144.90	4,408.46	7,425.00	3,016.00-	14,850.00
301 OFFICE SUPPLIES	1,023.72	6,162.40	7,687.00	1,524.00-	15,376.00
302 FACILITY MAINTENANCE SUPP	0.00	87.30	675.00	587.00-	1,350.00
303 EQUIPMENT MAINTENANCE SUP	344.98	6,426.04	7,250.00	824.00-	14,500.00
304 PROF. & SCIENTIFIC SUPPL	134.03	2,151.18	1,400.00	751.00	2,800.00
308 OTHER SUPPLIES	2,665.66	21,817.12	19,430.00	2,388.00	38,861.00
309 PRINTING & BINDING	1,438.45-	5,690.86	19,072.00	13,382.00-	38,145.00
401 COMMUNICATIONS	2,982.24	14,210.79	17,130.00	2,919.00-	34,260.00
402 RENTALS	350.00	1,285.00	1,200.00	85.00	2,400.00
403 UTILITIES	1,264.94	4,144.49	6,587.00	2,443.00-	13,175.00
405 PROF & SCIENTIFIC SERVICE	24,217.14	299,102.98	380,310.00	81,207.00-	760,620.00
406 OUTSIDE SERVICES	1,753.05	25,948.53	11,730.00	14,219.00	23,460.00
408 ADVERTISING & PUBLICITY	198.85	198.85	0.00	199.00	0.00
410 DATA PROCESSING	1,554.11	5,712.91	8,800.00	3,087.00-	17,600.00
414 REIMBURSEMENTS TO OTHER A	1,125.05	1,319.05	3,205.00	1,887.00-	6,415.00
501 EQUIPMENT	17,093.96	46,832.84	75,811.00	28,979.00-	151,623.00
DIVISION TOTAL	217,403.70	1,594,130.90	1,837,732.00	243,600.00-	3,675,494.00

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IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 12/31/91

	TOTAL EXPENDITURES 12/01/91 - 12/31/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
7000 ENVIRONMENTAL PROTECTION DIV.					
101 PERSONAL SERVICES	459,006.70	3,091,928.32	3,391,667.00	299,738.00-	6,783,342.00
202 IN-STATE TRAVEL	9,232.03	31,792.36	57,525.00	25,731.00-	115,050.00
203 STATE VEHICLE OPERATION	3,495.57	20,906.70	31,100.00	10,194.00-	62,200.00
204 STATE VEHICLE DEPRECIATIO	5,105.00	28,465.00	33,000.00	4,535.00-	66,000.00
205 OUT-STATE TRAVEL	2,957.93	18,464.25	16,000.00	2,463.00	32,000.00
301 OFFICE SUPPLIES	6,495.76	25,960.85	26,275.00	312.00-	52,550.00
302 FACILITY MAINTENANCE SUPP	54.62	585.41	1,250.00	665.00-	2,500.00
303 EQUIPMENT MAINTENANCE SUP	316.05	4,280.31	5,500.00	1,220.00-	11,000.00
304 PROF. & SCIENTIFIC SUPPL	0.00	35.12	500.00	465.00-	1,000.00
308 OTHER SUPPLIES	649.91	12,686.91	11,125.00	1,562.00	22,250.00
309 PRINTING & BINDING	2,130.00	12,541.95	21,800.00	9,258.00-	43,600.00
312 UNIFORMS & RELATED ITEMS	423.45	640.78	2,000.00	1,358.00-	4,000.00
401 COMMUNICATIONS	9,768.49	50,845.80	55,050.00	4,205.00-	110,100.00
402 RENTALS	8,152.21	26,852.83	27,600.00	747.00-	55,200.00
403 UTILITIES	1,217.66	5,590.63	7,550.00	1,959.00-	15,100.00
405 PROF & SCIENTIFIC SERVICE	74,964.97	288,729.70	448,593.00	159,864.00-	897,187.00
406 OUTSIDE SERVICES	3,809.29	13,195.69	21,735.00	8,541.00-	43,470.00
408 ADVERTISING & PUBLICITY	709.47	2,108.68	5,000.00	2,892.00-	10,000.00
410 DATA PROCESSING	13,456.92	49,119.72	68,070.00	18,950.00-	136,140.00
414 REIMBURSEMENTS TO OTHER A	4,217.31	5,828.77	13,450.00	7,621.00-	26,900.00
501 EQUIPMENT	22,049.65	89,099.47	218,380.00	129,280.00-	436,760.00
DIVISION TOTAL	628,212.99	3,779,659.25	4,463,170.00	683,510.00-	8,926,349.00

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 12/31/91

	TOTAL EXPENDITURES 12/01/91 - 12/31/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
8000 FISH AND WILDLIFE DIVISION					
101 PERSONAL SERVICES	793,791.85	5,420,712.70	5,591,813.00	171,101.00-	11,183,655.00
202 IN-STATE TRAVEL	40,460.94	154,393.19	155,834.00	1,442.00-	311,671.00
203 STATE VEHICLE OPERATION	42,789.27	254,634.96	228,977.00	25,658.00	457,959.00
204 STATE VEHICLE DEPRECIATIO	58,215.00	341,330.00	356,630.00	15,300.00-	713,260.00
205 OUT-STATE TRAVEL	0.00	5,399.18	12,500.00	7,100.00-	25,000.00
301 OFFICE SUPPLIES	15,563.39	98,963.20	93,559.00	5,402.00	187,120.00
302 FACILITY MAINTENANCE SUPP	17,933.21	92,624.98	165,571.00	72,946.00-	331,144.00
303 EQUIPMENT MAINTENANCE SUP	26,616.83	188,130.80	174,288.00	13,841.00	348,577.00
307 AG., CONSERVATION & HORT S	13,806.94	112,940.95	153,913.00	40,972.00-	307,827.00
308 OTHER SUPPLIES	10,386.85	45,983.25	41,503.00	4,481.00	83,008.00
309 PRINTING & BINDING	16,612.05	33,488.02	75,388.00	41,901.00-	150,776.00
312 UNIFORMS & RELATED ITEMS	19,571.29	83,177.84	60,907.00	22,273.00	121,821.00
401 COMMUNICATIONS	20,473.79	97,730.61	85,851.00	11,882.00	171,704.00
402 RENTALS	2,370.12	15,255.53	20,945.00	5,690.00-	41,892.00
403 UTILITIES	22,904.70	86,349.38	108,510.00	22,161.00-	217,020.00
405 PROF & SCIENTIFIC SERVICE	7,636.00	69,001.06	69,427.00	426.00	138,855.00
406 OUTSIDE SERVICES	17,413.75	45,824.53	48,665.00	2,840.00-	97,330.00
408 ADVERTISING & PUBLICITY	0.00	269.42	575.00	305.00-	1,150.00
410 DATA PROCESSING	3,378.86	33,141.68	22,050.00	11,091.00	44,100.00
414 REIMBURSEMENTS TO OTHER A	13,533.52	47,151.17	65,225.00	18,075.00-	130,450.00
501 EQUIPMENT	18,063.44	70,261.84	131,354.00	61,092.00-	262,711.00
602 OTHER EXPENSES & OBLIGATI	0.00	150.00	300.00	150.00-	600.00
701 LICENSES	0.00	15.00	150.00	135.00-	300.00
DIVISION TOTAL	1,161,521.80	7,296,929.29	7,663,935.00	367,008.00-	15,327,930.00

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 12/31/91

	TOTAL EXPENDITURES 12/01/91 - 12/31/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
9000 WASTE MANAGEMENT AUTHORITY					
101 PERSONAL SERVICES	29,059.59	193,711.50	270,651.00	76,940.00-	541,305.00
202 IN-STATE TRAVEL	1,684.91	15,712.57	14,230.00	1,484.00	28,460.00
205 OUT-STATE TRAVEL	1,928.64	3,581.10	7,250.00	3,668.00-	14,500.00
301 OFFICE SUPPLIES	186.77	1,109.01	7,765.00	6,656.00-	15,530.00
308 OTHER SUPPLIES	0.00	1,068.59	4,150.00	3,082.00-	8,300.00
309 PRINTING & BINDING	59.90	8,577.02	36,250.00	27,672.00-	72,500.00
401 COMMUNICATIONS	892.77	4,531.31	12,649.00	8,118.00-	25,300.00
405 PROF & SCIENTIFIC SERVICE	5,028.50	65,487.53	49,682.00	15,806.00	99,365.00
406 OUTSIDE SERVICES	60.78	974.71	2,875.00	1,900.00-	5,750.00
410 DATA PROCESSING	421.35	1,525.25	2,650.00	1,125.00-	5,300.00
414 REIMBURSEMENTS TO OTHER A	5,519.11	5,519.11	8,725.00	3,206.00-	17,450.00
501 EQUIPMENT	270.24	730.25	3,787.00	3,057.00-	7,575.00
DIVISION TOTAL	45,112.56	302,527.95	420,664.00	118,134.00-	841,335.00

5

Mr. Kuhn explained vehicle depreciation. He noted that the department is running under budget primarily because of vacant positions. Mr. Kuhn stated that out of an authorized 880 positions, 100 are currently vacant. He related that there are 41 vacancies in the Environmental Protection Division and 10 in the Waste Management Division.

This was an informational item; no action was required.

LANDFILL ALTERNATIVE GRANT APPLICATIONS

Teresa Hay, Division Administrator, Waste Management Division, presented the following item.

Forty-nine grant applications were received by the first Monday in December 1991, for consideration in the latest round of the Landfill Alternatives Grant program. Funding requests totaled \$7.2 million dollars. \$1.4 million dollars are available for allocation.

A summary of the proposals is attached for the Commission's information. Proposal reviews will be completed by the end of January and awards will be announced as soon as the grantees have been notified in late February. The first grant contracts will come to the Commission for approval in March.

(Proposal summary is shown on the following 10 pages)

LANDFILL ALTERNATIVES GRANTS
Applications Received December, 1991

APPLICATION #1: Iowa Veterans Home

REQUEST: \$3,746

DESCRIPTION: To purchase a waste metal can crusher and four wheeled containers, for recycling waste metal generated by the Iowa Veterans Home in Marshall County.

APPLICATION #2: Iowa Veterans Home

REQUEST: \$5,395

DESCRIPTION: To purchase a waste cardboard baler, for recycling waste cardboard generated by the Iowa Veterans Home in Marshall County.

APPLICATION #3: Leonard Foutch

REQUEST: \$50,000

DESCRIPTION: To purchase used air conditioners, refrigerators, and freezers, repair the appliances, and resell them. Operation would be located in Linn County.

APPLICATION #4: H & H Recycling

REQUEST: \$152,471

DESCRIPTION: To expand present curbside recycling facility in Spirit Lake, to include six additional communities (Arnolds Park, Lake Park, Okoboji, Spencer, Spirit Lake, Superior, Terril) and rural Dickinson County.

APPLICATION #5: Johnson County Recycling Center

REQUEST: \$64,536

DESCRIPTION: To establish a recycling facility in Johnson County for glass, plastic, metal, and paper. Facility is intended to serve Johnson, Iowa, and Jones counties.

APPLICATION #6: City of Dubuque

REQUEST: \$274,650

DESCRIPTION: For trucks and equipment to develop and implement a voluntary curbside recycling program for plastic, steel cans, aluminum, glass, and newspaper, to serve 18,000 households in Dubuque.

APPLICATION #7: CEI Equipment, Inc.

REQUEST: \$300,000

DESCRIPTION: To develop and produce a truck body for curbside collection and mobile processing. The company would convert an existing compartmentalized truck body, which it presently manufactures for feed and grain collection and processing. The company is located in Cedar Rapids, Linn County.

APPLICATION #8: Keokuk Steel Castings, Inc.

REQUEST: \$300,000

DESCRIPTION: To construct and install a thermal sand reclamation system that would enable Keokuk Steel Castings to reclaim its spent foundry sand and reuse it in the manufacturing process.

APPLICATION #9: DJK Enterprises Co.

REQUEST: \$60,000

DESCRIPTION: To promote and test a backyard compost container, designed by DJK Enterprises Co., in a sample of Iowa cities over 2,000 in population. DJK Enterprises is located in Cedar Falls.

APPLICATION #10: Pattison's Paper Bedding

REQUEST: \$149,418

DESCRIPTION: For building and equipment to expand their operation, which processes newsprint into livestock bedding. The facility would serve Fayette County and the surrounding rural communities.

APPLICATION #11: Media Supply Company

REQUEST: \$39,260

DESCRIPTION: To expand and market the company's use of the scrap "webbing" from the button manufacture industry (plastic scrap left over from punching holes in the buttons). A dry paint stripper is produced from the button scrap. Media Supply Co. is located in Des Moines. The button manufacturer is in Muscatine.

APPLICATION #12: Plastic Injection Molders, Inc.

REQUEST: \$134,288

DESCRIPTION: To market 18-gallon plastic tubs for curbside recycling. The company is located in Worth County.

APPLICATION #13: Comprehensive Systems, Inc.

REQUEST: \$195,278

DESCRIPTION: To obtain additional equipment and expand a building, in order to expand its current recycling program to include all rural areas of Floyd and Mitchell counties.

APPLICATION #14: Area XIV Agency on Aging

REQUEST: \$7,520

DESCRIPTION: To replace polystyrene meal containers, used in the agency's homebound meals program, with reusable metal containers. The agency is located in Union County. The meals program serves Adair, Adams, Clarke, Decatur, Ringgold, Taylor, and Union counties.

APPLICATION #15: City of Grinnell

REQUEST: \$71,000

DESCRIPTION: To purchase equipment to enable expansion and greater efficiency of the Community Recycling Center. The center would process recyclables from Grinnell and would be available to other communities in Poweshiek County.

APPLICATION #16: Creston Sanitation, Inc.

REQUEST: \$203,905

DESCRIPTION: To construct and equip a regional recycling and collection center in Creston, to service the counties of Union, Adams, Adair, Taylor, Clarke, Decatur, and Ringgold. Drop-off collection would be offered at the site and in the counties and cities.

APPLICATION #17: Sioux City Utility Department

REQUEST: \$295,000

DESCRIPTION: To construct and equip a regional recycling and transfer facility and to procure compost screening equipment. The facility would be located in Woodbury County, with services available to Woodbury, Plymouth, and Monona counties.

APPLICATION #18: Monona County Landfill Agency

REQUEST: \$81,950

DESCRIPTION: To construct and equip a county-wide recycling facility, to develop a multi-material collection system, and to procure shredding and baling equipment for processing paper for animal bedding in Monona County.

APPLICATION #19: Friendship Village

REQUEST: \$51,000

DESCRIPTION: To construct garage units with balers for collecting, compacting, and storing recyclable material generated by Friendship Village Retirement Center. The center is located in Black Hawk County.

APPLICATION #20: Van Beek, Inc. - Bio-Mass Energy & Recycling

REQUEST: \$146,875

DESCRIPTION: To construct and equip a waste tire processing facility in Sioux County. The processed tires would be used for asphalt, molded products, and/or fuel.

APPLICATION #21: Genesis Development / City of Jefferson

REQUEST: \$168,840

DESCRIPTION: To provide curbside collection of recyclables in Greene County and to construct and equip an expanded processing facility at Genesis Development, in Jefferson.

APPLICATION #22: Budini Marketing International, Ltd.

REQUEST: \$249,850

DESCRIPTION: To use a computer-based tire management system to compile data on optimum tire management practices, from six demonstration sites in Iowa. Budini is located in Davenport.

APPLICATION #23: Heartland Recycling Company

REQUEST: \$213,022

DESCRIPTION: To develop a compost facility in Hardin County. The facility would serve Hardin, Butler, and Wright counties, with potential for service to Franklin, Hamilton, and Grundy counties.

APPLICATION #24: Carroll County Solid Waste Management Commission

REQUEST: \$17,067

DESCRIPTION: To conduct a study of airborne dusts generated while processing newspapers to animal bedding, to construct a dust collection system, to expand the newspaper storage and processing area, and to purchase an additional plastics granulator and conveyor.

APPLICATION #25: Mar-Rob Enterprises

REQUEST: \$119,409

DESCRIPTION: For building and equipment to expand the business of manufacturing corn husking rollers from waste tires. Mar-Rob is located in Webster County.

APPLICATION #26: The Best Blueberry Plastic Mill Corp.

REQUEST: \$100,000

DESCRIPTION: To manufacture secondary resin pellets from post-consumer recycled plastics from Des Moines. The secondary resin pellets would be sold to Iowa plastic manufacturers to be used in the place of virgin resin.

APPLICATION #27: Andrew Pallet Company

REQUEST: \$100,000

DESCRIPTION: To purchase equipment to grind non-reusable wood pallets into marketable mulch, animal bedding, and raw material for finished wood products. The company is located in Des Moines.

APPLICATION #28: Hawkeye Wood Shavings, Inc.

REQUEST: \$300,000

DESCRIPTION: To purchase equipment for recycling wood waste into mulch, livestock bedding, and wood chips burned as fuel. The company is located in Des Moines.

APPLICATION #29: Great River Regional Waste Authority

REQUEST: \$300,000

DESCRIPTION: To construct transfer stations for recyclables in Louisa and Hancock counties, to initiate curbside collection in 4 Louisa County and 6 Hancock County, IL cities, to place drop-off units in rural areas, to purchase equipment to expand the Lee County recycling center, and to develop business/commercial recycling. The region affected consists of Lee, Henry, and Louisa counties in Iowa and Hancock County in Illinois.

APPLICATION #30: Lee County Solid Waste Management Commission

REQUEST: \$300,000

DESCRIPTION: For expansion of the Lee County recycling center and waste reduction/public education program. The application is submitted in the event that the program described above (Application #29) does not materialize.

APPLICATION #31: ECO-CHIPS, Inc.

REQUEST: \$68,200

DESCRIPTION: To purchase machinery to enable the company to receive and process waste wood from generators in an approximate 100-mile radius of Estherville. The company is located in Estherville, Emmet County.

APPLICATION #32: Ida County Landfill

REQUEST: \$88,448

DESCRIPTION: To build and equip a recycling facility and curbside collection for Ida County.

APPLICATION #33: Great River Bend Area Agency on Aging

REQUEST: \$3,600

DESCRIPTION: To replace styrofoam meal containers, used in the agency's homebound meals program, with reusable containers. The agency is located in Scott County. The meals program serves Scott, Muscatine, and Clinton counties.

APPLICATION #34: Chapman Logging Company, Inc.

REQUEST: \$300,000

DESCRIPTION: To construct a co-generation system to use the waste wood generated by the logging company and by other sawmills within a 70-mile radius of Hopkinton. The company is located in Delaware County.

APPLICATION #35: Buena Vista Work Activity Center

REQUEST: \$190,030

DESCRIPTION: For construction and equipment to expand its current recycling program. Project would include dropoff and collection systems, public education, expansion of recycling current materials, and addition of cardboard recycling. The project would serve Buena Vista County and portions of Ida, Pocahontas, Calhoun, and Cherokee counties.

APPLICATION #36: Freel Sanitation Co.

REQUEST: \$162,855

DESCRIPTION: To purchase equipment to chip the waste wood from Story County. The equipment would also be made available to neighboring counties. The company is located in Ames.

APPLICATION #37: Howard County Board of Supervisors and Spectrum Industries

REQUEST: \$128,780

DESCRIPTION: To purchase drop-off containers for the county and to purchase equipment for the recycling facility presently under construction in Cresco, Howard County.

APPLICATION #38: Mid-Iowa Workshops, Inc.

REQUEST: \$151,000

DESCRIPTION: To purchase equipment to collect, inspect, and sort ledger paper, newsprint, and old corrugated cardboard from the Marshalltown area, for processing at other facilities. Plans to include Marshall, Hardin, Tama, and Poweshiek counties in the future.

APPLICATION #39: Brief Encounters Laundry Service

REQUEST: \$187,773

DESCRIPTION: To expand present infant diaper service to include the laundry of adult diapers (briefs). Delivery and laundering would be developed and marketed to serve institutionalized adults in Buena Vista, Sac, Pocahontas, Calhoun, Ida, and Cherokee counties. The service is located in Buena Vista County.

APPLICATION #40: Mahaska County Solid Waste Commission

REQUEST: \$163,422

DESCRIPTION: To purchase equipment and building improvements for the Mahaska County Recycling Center.

APPLICATION #41: Veterans Affairs Medical Center

REQUEST: \$16,273

DESCRIPTION: To expand the Center's existing recycling program to include plastics, through the purchase of a granulator and building improvements. The Center is located in Johnson County.

APPLICATION #42: Black Hawk County Solid Waste Management Commission

REQUEST: \$23,500

DESCRIPTION: To demonstrate the use of waste tires for retaining wall construction by collecting tires and using the tires to construct a retaining wall at the Black Hawk County Landfill.

APPLICATION #43: Arthur W. Moellering

REQUEST: \$81,500

DESCRIPTION: To purchase equipment for producing livestock bedding from waste paper, and to receive glass, aluminum, and plastic containers for pick-up and processing by other facilities. Intends to serve Clayton County.

APPLICATION #44: Dodd's Trash Hauling and Recycling, Inc.

REQUEST: \$25,000

DESCRIPTION: For building improvements and equipment to expand their present recycling facility, which serves Jasper County.

APPLICATION #45: BES Industrial Services, Inc.

REQUEST: \$283,500

DESCRIPTION: For equipment to be used to manufacture plastic pellets from post-industrial and post-consumer plastic film waste. The pellets would be sold to regional plastic injection and blow molding firms. The company is located in Cedar Rapids, Linn County.

APPLICATION #46: Thomas M. Runde**REQUEST:** \$300,000**DESCRIPTION:** To collect and organize the solid waste in Dubuque County, then to construct objects, such as clocks and art, from the waste materials.**APPLICATION #47:** Wall, Inc.**REQUEST:** \$300,000**DESCRIPTION:** To establish a regional collection facility and marketing collector network for recyclables within a 60-mile radius of Perry. Wall is located in Perry, Dallas County.**APPLICATION #48:** Mount Mercy College**REQUEST:** \$3,069**DESCRIPTION:** To purchase and install a cardboard baler, in order to recycle the cardboard and paper waste generated by the college. The college is located in Cedar Rapids, Linn County.**APPLICATION #49:** R-Business Recylers**REQUEST:** \$297,200**DESCRIPTION:** To purchase equipment and containers to provide curbside recycling and expanded drop-off service to Waterloo and surrounding communities, for processing at their facility. The company is located in Waterloo, Black Hawk County.

Ms. Hay gave an explanation of the grants and noted that reviews will be completed by the end of January. Awards will be announced in late February.

Discussion followed.

This was an informational item; no action was required.

1991 TOXIC CLEANUP DAYS REPORT

Teresa Hay, Division Administrator, Waste Management Division, presented the following item.

The annual report of Toxic Cleanup Days conducted around the state during 1991 has been prepared for submission to the General Assembly and Governor. The report contains a brief background on household hazardous materials as well as detailed information on each of the seven DNR-sponsored events held in Iowa in 1991: Boone, Madison, Warren, Powesheik, Jasper, Black Hawk, and Winnesheik. Also discussed are the two events sponsored entirely by local governments: Dubuque and Polk counties.

All of the events sponsored by DNR in 1991 were conducted on an appointment only basis. This resulted in a significant decrease in waiting time for participants and a higher total participation rate when including those individuals who were provided disposal assistance over the phone as well as at the collection site.

A copy of the report will be provided to the Commission for information.

Ms. Hay briefly explained the Toxic Cleanup Days events and the report.

This was an informational item; no action was required.

PUBLIC PARTICIPATIONMerlin Plagge

Merlin Plagge, Iowa Farm Bureau Federation, presented the following statement: "STATEMENT OF THE IOWA FARM BUREAU FEDERATION ON THE PROPOSED CHANGES TO THE ARMY CORPS OF ENGINEERS NATIONWIDE PERMIT SYSTEM - The Iowa Farm Bureau Federation appreciates the opportunity to comment on the proposed changes to the Army Corps of Engineers nationwide permit system. We believe the state of Iowa is compounding its fiscal problems by keeping excessive permit requirements for the waters of the state while the federal government is relaxing them.

Our state faces a severe budget crises. Expenditures have been unable to keep pace with revenue. The size and scope of our government has grown 29 percent over the past 10 years while the population has decreased. The Iowa Legislature and the governor need to deal with the issue in this session of the legislature.

Most people agree there are no easy solutions to Iowa's growing budget deficit. The governor last year appointed a task force to

study options and action in the legislature will most likely be dominated by the budget this year. The issue before us today gives us a perfect opportunity to make a dent in the deficit.

The state of Iowa is one of only a few states which requires additional permitting on many of the Corps' nationwide permits. Over seven years ago, the Environmental Protection Agency and the Army Corps of Engineers concluded that the cost of monitoring these activities wasn't worth it. These agencies also realized that excessive regulation could become a financial burden and relaxed the need for additional certification from the state. Forty states followed their example. Iowa did not. And Iowa made the decision without a public hearing. Our farmer members are demanding relief from government over-regulation and interference with even the most routine farming practices that have little or no impact on the waters of the state. If EPA and the Corps of Engineers decided that 401 permitting is too much micro-management for them, why would Iowa continue?

In this country, we have put responsibility on individuals and not central planning authority. Of course, our system hasn't worked perfectly, but has worked better than any other country in the world. The people of Iowa fully recognize the need to preserve our natural resources of land and water. To police every activity within any business takes away from the basic right of Americans to operate farms and businesses. A majority of Iowans will support preserving our natural resources without the over-regulation created by the additional permitting. The state of Iowa needs to follow the lead of 40 other states in relaxing the need for additional certification.

While the budget crises cannot be solved overnight, we can begin the process by putting an end to over-regulation and micro-management. Each small step we take in reducing state expenditures will move us closer to the overall goal of fiscal responsibility. The cost of central planning is high in terms of money, in terms of the rights of property owners. We would do well to examine the recent events in eastern Europe and stop this trend towards increased government control over private resources. Additional permitting would take away individual responsibility and add unnecessary cost. The Iowa Farm Bureau Federation believes we can preserve our natural resources through use of the nationwide permit system without additional permitting by the state."

Jim McClure

Jim McClure, Monona County Board of Supervisors and Monona Drainage District Association, addressed the Commission stating that his position on this issue is the same as that of Mr. Plagge. He added that the permit denials violate the owners constitutional rights, and they cannot go along with the "no net loss" requirement that they replace any wetlands they disturb.

Brad Barratt

Brad Barratt, DOT, introduced Ron Ridnour, DOT biologist with their Planning Division. Mr. Barratt stated that he supervises a staff that is involved with obtaining permits from state and federal agencies for highway projects. He stated that DOT would like to urge the Commission to reject the new rules as proposed. Of particular concern is the conditional certification aspect for six of the 36 nationwide permits that are under consideration. He noted that if the rule is approved by DNR, the Corps will consider the conditional 401 certifications denied. The result would be a large increase in the administrative burden to all agencies involved. Mr. Barratt stated that currently the DOT does not need to submit projects such as minor road crossings, bridges, and culverts for a permit, but if the rules are approved an additional 400 permits would need to be applied for annually. In addition to primary highways there could be an additional 1500 similar projects. He related that that would result in a tremendous burden on all agencies involved for projects that are very minor in scope. The result would be extensive time delays on some projects. Mr. Barratt stated that DOT feels the cost of the program far outweighs the benefits that can be gained for those few projects. He asked the Commission to reject the rules as proposed and urged the unconditional certification of the six nationwide permits.

Discussion followed.

Jack Fisher

Jack Fisher, representing Iowa Drainage District Association, urged the Commission to take a common sense approach to the issue of minor activities in wetlands that are one acre or less and approve the Nationwide Permit #26, as proposed by the Corps of Engineers. He noted that it only makes sense, in times of strained state budget, to eliminate the burden of unnecessary bureaucratic control. In-kind mitigation would be expensive and unreasonable to areas of one acre or less.

Don Etler, originally scheduled for a 10:45 a.m. appointment, deferred his appointment until 2:30 p.m. when the item will be taken up.

TOXICS POLLUTION PREVENTION FUNDING REPORT

Teresa Hay, Division Administrator, Waste Management Division, presented the following item.

The 1991 Toxics Pollution Prevention Act required the Department of Natural Resources to make recommendations to the General Assembly regarding a funding structure for the long term

implementation and continuation of a toxics pollution prevention program.

The report as prepared and submitted in fulfillment of this requirement is attached for the Commission's information. Two options were presented as funding alternatives, including increasing existing fees on the generation of hazardous waste while placing similar fees on toxic emissions, and setting aside a portion of all environmental permit fees collected by the department and for pollution prevention program use.

Input for development of this report was solicited from industry and environmental interests in a meeting held here at the Department. Commissioner Hartsuck participated in this meeting and provided input as well.

(Report is shown on the following 4 pages)



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
LARRY J. WILSON, DIRECTOR

January 2, 1991

The Honorable Robert C. Arnould
Speaker of the House
State Capitol
LOCAL

Dear Representative Arnould:

During the 1991 legislative session, the General Assembly passed House File 683, which directed the Department of Natural Resources to develop and operate a toxics pollution prevention program for the State of Iowa. Also contained in this bill was a request that the department *"make recommendations to the General Assembly by January 1, 1992, regarding a funding structure for the long term implementation and continuation of a toxics pollution prevention program"*. The department submits this document to the General Assembly in fulfillment of that request.

Specific components of the toxic pollution prevention program, as outlined in the bill, require the department to:

- Establish criteria for the development of the pollution prevention program
- Adopt rules establishing the information to be required in industrial multi-media toxic pollution prevention plans, and provide guidelines to assist toxics users in plan preparation
- Provide technical assistance to toxics users in completing pollution prevention plans
- Assess and compile an inventory of informational and technical assistance needs of toxics users and air contaminant sources
- Function as a repository of research, data, and information regarding toxics pollution prevention activities throughout the state; coordinate information transfer from state and federal clearinghouses to toxics users
- Promote increased coordination between all agencies/institutions having responsibility relating to toxic substances

Initial start-up of this program has been funded by dedicating a small portion of the fee placed on air emissions of certain toxic substances. This "pollution prevention" portion of the air toxics fee has generated approximately \$50,000 for fiscal year 1992¹, and will be used to support preliminary program development.

¹ the temporary toxic fee for FY 1992 was due on November 30, 1991

The air toxics fee, however, is a temporary funding source. House File 683 requires this fee to be eliminated when the department establishes an operating permit program for air contaminant sources. Because of the temporary nature of the funding source for pollution prevention activities, the legislation also directed the department to make recommendations to the General Assembly regarding a funding structure for the long term implementation and continuation of a toxics pollution prevention program. This brief report provides options for establishing a long term funding structure.

Several sources of information were utilized in order to develop recommendations for the General Assembly. The department looked at the funding mechanisms other states have developed to support pollution prevention activities. We also reviewed and considered the recommendations outlined in the 1991 report *"Hazardous Waste Reduction Strategies: A Discussion and Recommendations for the General Assembly"*. This report, also required by legislative mandate, outlined ways to minimize the generation of hazardous waste in Iowa. Embodied in the report was a discussion of the types of fees that could be used to support waste minimization, and ended with a recommendation to increase existing fees on hazardous waste generation. Attached is a summary of the existing fees, and the increases proposed in that report.

In addition to the above review and research, the department assembled a group of industry and environmental group representatives to discuss possible options for long term funding (a list of participants is attached). Suggestions and concerns expressed by individual members of the advisory group included the following: (1) that yet another fee structure was going to be established, instead of using existing fees from which to fund the program; (2) the fees should be equitably placed, i.e., that all generators should pay, and any fee(s) should be placed on toxics released to all media; (3) that those who generate more waste should pay more, rather than using a flat fee per generator; (4) fees should be imposed on waste generation only; (5) fees should be placed on all toxics used, not just waste generated; (6) those companies who do pollution prevention planning should be rewarded somehow; and (7) that any fee that is collected remain in the department for its intended use. Because some of these suggestions contradict each other, the department was unable to recommend a funding structure which satisfied all these concerns simultaneously. To the extent possible, however, recommendations made by the advisory group were incorporated into the funding options described below.

One major type of fee structure, called a front-end fee, generated substantive discussion within the advisory group. Fees would be placed on all toxic substances used in production and other industrial processes to encourage input substitution as well as waste minimization. While this structure is a very attractive concept, administering such a program would require a significant data collection effort before fees could be imposed. In addition, a greater proportion of the fee would need to be spent on administration than would be necessary with either of the options described below. For these reasons, the department does not recommend adoption of front end fees at this time.

The following discussion outlines options for long term funding, which incorporate suggestions made by the advisory group to the extent possible, as well as the above

described sources of information. Given the current pressures on the state's general fund, the options described are types of user fees.

OPTION 1

INCREASE EXISTING FEES ON THE GENERATION OF HAZARDOUS WASTE, AND PLACE SIMILAR FEES ON TOXIC EMISSIONS REPORTED UNDER SECTION 313 OF THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA), BETTER KNOWN AS THE TOXIC RELEASE INVENTORY (TRI).

This type of fee structure, called a waste end fee, places fees on toxic and/or hazardous waste after it is generated. There are several ways in which to establish a waste end fee. A flat fee could be placed on every generator, or graduated fees for classes of generators (e.g., one fee for small quantity generators, another for large, and/or based on the number of employees). A fee could also be established based on the quantity of the waste generated. The greater volume of waste generated, the larger the fee. Still another variation is to place a fee on each type of toxic or hazardous waste generated. Many states have adopted one or a combination of waste end fees to support pollution prevention programs. A combination of waste end fees is included in this option; hazardous waste fees would be increased (as per the 1991 *Hazardous Waste Reduction Strategies Report*) and fees would be placed on toxic air emissions reported in the Toxic Release Inventory.

This type of fee structure has several advantages. A new fee schedule and fund would not need to be established; this option would add to an existing structure, and fees could be placed in the waste volume and reduction fund. Placing the fee on waste after it is generated requires a more modest information base, and is less administratively burdensome than fees placed on all toxics used (i.e., front end fees). By combining the two "lists" of toxic or hazardous compounds, the burden does not fall upon those emitting to one media only.

There are also some disadvantages to this type of fee structure. The two above mentioned lists of toxic or hazardous substances may exclude some toxic substances which are emitted in significant amounts in Iowa. In addition, waste end fees might not provide an incentive to use alternative, less toxic substances in production processes, because the focus is on waste generated rather than substances used.

OPTION 2

SET ASIDE A PORTION OF ALL ENVIRONMENTAL PERMIT FEES COLLECTED BY THE DEPARTMENT FOR POLLUTION PREVENTION PROGRAM USE. THIS OPTION IS DEPENDENT ON ADOPTION OF THE ENVIRONMENTAL TRUST FUND LEGISLATION PROPOSED BY THE DEPARTMENT FOR THE 1992 LEGISLATIVE SESSION.

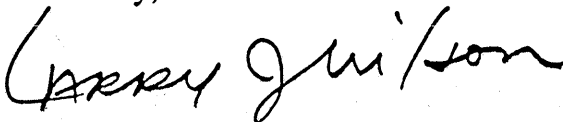
This user fee option has the advantages of using an existing fee structure, and those discharging wastes to all media would be sharing in the cost of the pollution prevention

program. An additional amount would be charged for all permits; the fees would be set in a similar manner to the waste end structure. The pollution prevention charge could be a flat fee, or one based on volume or quantity emitted/discharged/disposed. The fees could be placed in the waste volume reduction fund, or alternatively, in a separate account within the environmental trust fund (see below).

Disadvantages to this approach are that not all permits are renewed every year, so permit fees would have to be set in such a way to assure a uniform level of funding from one year to the next. Perhaps more important, however, is that this option depends on adoption of legislation which embodies the environmental trust fund concept. The department currently has the authority to charge permit fees, but has not exercised this authority except in the areas of water supply and water withdrawal. In addition, all fees collected (with the exception of fees in the air quality program) must now be deposited in the General Fund. State law would need to be changed to require the department to charge fees based on the programs' operating costs, including permitting, monitoring, inspection, and pollution prevention. Further, a portion of the fees collected in each program could be dedicated to support pollution prevention activities.

The above options provide two workable funding structures from which the department could support pollution prevention activities. Teresa Hay, administrator of the department's Waste Management Division, and Lisa Smith, liaison on environmental protection issues, would be willing to work with interested legislators to incorporate these options into the state's pollution prevention program.

Sincerely,



Larry J. Wilson
Director

Ms. Hay gave an explanation of the report.

Discussion followed regarding the recommended options, the amount of fees increase, and neighboring states fees and permit requirements for transporters.

This was an informational item; no action was required.

PROPOSED RULE--CHAPTER 101, SUBMITTAL SCHEDULE FOR SOLID WASTE
COMPREHENSIVE PLANS

Teresa Hay, Division Administrator, Waste Management Division, presented the following item.

The Commission is requested to review the proposed amendments on the submittal schedule for subsequent solid waste comprehensive plans, part I. In its current form, 567--101 directly ties solid waste comprehensive plans to the three year permit renewal schedule, thus acting as a disincentive to regionalizing areas that contain more than one permitted facility. Solid waste operators have been consulted and favor a subsequent comprehensive plan submittal schedule that will facilitate regional efforts.

The purpose of these amendments is to implement 455B.306 and 455D.3. The proposed amendments:

- renumber 567--101.5(5)b(7)3 to be 567--110.3(i)d. This section deals with soil boring samples taken at sanitary landfills and is being renumbered in order to be located in a more appropriate section of the administrative rules.
- add, to the general requirements, a reference to the submittal schedule for subsequent solid waste comprehensive plans, part I.
- encourage solid waste planning activities for multicounty areas where feasible by adding the submittal schedule for subsequent comprehensive plans, part I.
- remove the direct tie to the three year solid waste permit renewal schedule for comprehensive plans, part I other than infectious waste treatment or disposal facilities and waste generated by private companies holding solid waste permits.

(Proposed rule is shown on the following 4 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.304 and 455D.7, the Environmental Protection Commission of the Department of Natural Resources gives notice of intended action to amend Chapter 567--101 "General Requirements" and Chapter 110 "Design, Construction and Operation Standards For Solid Waste Management Facilities" of the Iowa Administrative Code.

This Notice proposes to renumber, as Item 1, 567--101.5(5)b(7)3, regarding soil boring samples at a sanitary landfill site, in order to move this subrule to its appropriate chapter.

This Notice proposes to amend, as Item 2, the general requirements by adding reference to the submittal schedule for subsequent solid waste comprehensive plans.

This Notice proposes to amend, as Item 3, subrule 101.5(7) adding the subsequent comprehensive plans, part I submittal schedule. This submittal schedule removes the direct tie to the three year permit renewal schedule for comprehensive plans, part I submitted by cities, counties, or facilities managing solid waste, thus encouraging planning activities for multicounty areas where feasible.

Any interested person may make written or oral comments on these proposed amendments on or before April 8, 1992. Such comments should be directed to Julie Kjolhede, Waste Management

Division, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034; PHONE (515) 281-8946; FAX (515) 281-8895. Persons are also invited to present oral or written comments at a public hearing on April 8, 1992, at 10:00 a.m. in the Fourth Floor West Conference Room of the Wallace State Office Building.

Copies of the proposed rules may be obtained from the Records Section, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034.

These rules are intended to implement Iowa Code sections 455B.306 and 455D.3.

The following amendments are proposed.

ITEM 1. Renumber 567--101.5(5)b(7)3 to be 567--110.3(i)d.

ITEM 2. Amend the first unnumbered paragraph of rule 101.5 (455B, 455D) to read as follows:

101.5 (455B, 455D) Comprehensive plans. Cities, counties and private agencies operating or planning to operate a sanitary disposal project after July 1, 1988, shall, in conjunction with all local governments using the sanitary disposal project, file a comprehensive plan with the director either prior to or at the time of application for issuance, renewal or reissuance of a sanitary disposal project permit. The department may require filing and updating a plan at other times. The department shall act to coordinate and expedite planning activities for multicounty areas where feasible. The general requirements and schedule for updating subsequent plans shall be submitted according to subrule 101.5(7).

ITEM 3. Amend subrule 101.5(7) as follows:

Subsequent plans. After the initial plan has been approved, all subsequent plans must include all elements in rule 101.5 (455B, 455D) and a thorough evaluation of progress toward meeting the state volume reduction and recycling goals as detailed in subrule 101.5(2). The solid waste abatement table included in the "Guidelines for Solid Waste Comprehensive Plans, Part I: Waste Management Alternatives" shall be used for this evaluation of progress.

a. Interim Plan Modifications: If a new facility requests to be included in a planning area after completion of a plan but before a subsequent plan is due, and the planning area agrees to include the facility, the following procedure is required:

-a₁. A letter is submitted to the department by the facility operator describing the facility's operation and the amount of waste to be managed.

-b₂. A letter is submitted to the department by the planning area's responsible agency agreeing to accept the facility in its planning area and stating how the facility will affect the planning area's waste stream.

-e₃. The subsequent plan submitted by the planning area will include the facility.

b. Plan Renewal: The submission schedule for subsequent Comprehensive Solid Waste Plans, Part I submitted by cities, counties or facilities managing solid waste removes the direct schedule correlation to the three year permit renewal schedule for plans referenced in 101.5(7)2.

1. Permittees may be allowed to renew the permit on the permit renewal date providing that the Solid Waste Comprehensive Plan, Part I will be submitted according to the schedule in 101.5(7)2. Should the permittee fail to participate in an approvable plan by the date specified in 101.5(7)2, administrative actions by the department will be implemented to insure compliance or to terminate operations.

2. The following schedule change is shown through the third revision. Subsequent plans following the third revision scheduled below will continue to be due in the designated intervals. For the purposes of this schedule, "county" is considered as a territorial whole that includes cities, towns, villages, rural and unincorporated areas.

<u>Group</u>	<u>Number</u>	<u>First</u>	<u>Second</u>	<u>Third</u>
	<u>of</u> <u>Counties</u>	<u>Revision</u>	<u>Revision</u>	<u>Revision</u>
<u>1</u>	<u>One or Fewer</u>	<u>7/1/92</u>	<u>7/1/95</u>	<u>7/1/98 . . .</u>
<u>2</u>	<u>Two - three</u>	<u>1/1/93</u>	<u>1/1/96</u>	<u>1/1/99 . . .</u>
<u>3</u>	<u>Four - five</u>	<u>7/1/93</u>	<u>7/1/96</u>	<u>7/1/99 . . .</u>
<u>4</u>	<u>Six or more</u>	<u>1/1/94</u>	<u>1/1/97</u>	<u>1/1/2000 . . .</u>

c. Subsequent Solid Waste Comprehensive Plans, Part I submitted for infectious waste treatment or disposal facilities, and waste generated by private companies that are permitted to manage their own waste are required at the time of permit renewal.

These rules are intended to implement Iowa Code sections 455B.306 and 455D.3.

Ms. Hay explained the proposed rules.

Clark Yeager asked if hospital incinerators would fall under these plans.

Ms. Hay responded that most cities and counties would not want to have to deal with infectious waste, and hospitals most likely would not want to involve cities and counties in their planning.

Rozanne King asked what the plans say about a comprehensive area.

Ms. Hay stated that the plan would address the amount and type of waste the entire area would expect to generate over the next 20 years. The plan outlines alternatives available other than landfilling the waste, the economic and technical feasibility of implementing those alternatives, and an implementation schedule for same.

This was an informational item; no action was required.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 15 pages)

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
January 1, 1991

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 61 - Corps of Engineers Nationwide Permits	6/17/91	7/10/91	8/21/91	7/31/91-8/05/91	1/21/92	*1/21/92	*2/19/92	*3/25/92
2. Ch. 61 - Water Quality Stds. Big Creek - Mt. Pleasant	1/21/91	*2/19/92	*3/10/92	*3/ /92	*4/20/92	*4/20/92	*5/13/92	*6/17/92
3. Ch. 61 - Water Quality Stds. S. Skunk River	10/21/91	11/13/91	12/10/91	12/03/91	*2/17/92	*2/17/92	*3/18/92	*4/22/92
4. Ch. 64 - Stormwater Discharge Permits	11/18/91	12/11/91	1/06/92	1/03/92 1/10/92	*2/17/92	*2/17/92	*3/18/92	*4/22/92
5. Ch. 92 - State Revolving Loans for Wastewater Treatment	*2/17/92	*3/18/92	*4/06/92	*4/ /92	*5/18/92	*5/18/92	*6/10/92	*7/15/92
6. Ch. 100 & 102 - Permits - Special and Infectious Wastes	1/21/92	*2/19/92	*3/10/92	*4/ /92	*4/20/92	*4/20/92	*5/13/92	*6/17/92
7. Ch. 101 - Solid Waste - Schedule for Comprehensive Plan	*2/17/92	*3/18/92	*4/06/92	*4/ /92	*5/18/92	*5/18/92	*6/10/92	*7/15/92
8. Ch. 134 - Registration of Groundwater Professionals	8/19/91	9/18/91	10/09/91	10/22/91 10/23/91 10/24/91	*2/17/92	*2/17/92	*3/18/92	*4/22/92
9. Ch. 135 - Technical Standards for Owners/Operators of USTs-Site Assessments	8/19/91	9/18/91	10/09/91	10/22/91 10/23/91 10/24/91	*2/17/92	*2/17/92	*3/18/92	*4/22/92
10. Ch. 136 - Financial Responsibility for USTs - Local Governments	11/18/91	12/11/91	1/06/92	1/07/92	*2/17/92	*2/17/92	*3/18/92	*4/22/92
11. Ch. 148 - Registry of Hazardous Waste or Hazardous Substance Disposal Sites	1/21/92	*2/17/92	*3/10/92	*3/ /92	*4/20/92	*4/20/92	*5/13/92	*6/17/92

MONTHLY VARIANCE REPORT						
Month: December, 1991						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	City of West Chester	Wastewater Construction	Garden & Associates	Site Separation	Approved	12/17/91
2.	Clay County	Flood Plain	County Engineer	Freeboard	Approved	12/13/91
3.	American Soil Processing	Solid Waste	American Soil Processing	Storage	Approved	12/01/91
4.	Jackson County Landfill	Solid Waste	Green Environmental Services, Inc.	Leachate	Denied	12/18/91
5.	Squaw Valley Subdivision - North-Story County	Watersupply Construction	Clapsaddle-Garber Associates	Construction Materials	Approved	12/09/91

TOPIC: Report of Hazardous Conditions

During the period December 1, 1991 through December 31, 1991, reports of 85 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
12/02/91 Clinton	High winds damaged an aboveground storage tank on 12/2/91. Eighteen thousand gallons of hydrochloric acid were released into a deteriorated containment structure. The material flowed into a drainage ditch and then into a fly ash pond on adjacent property. A minor fish kill occurred.	Vertex Chemical P.O. Box 3860 St. Louis, MO	The material was neutralized to a pH of 6 with soda ash. The company is investigating more effective ways to contain the acid.
12/18/91 Polk	An above ground tank was overfilled with fuel oil on 12/18/91. The tank was located on the roof of a building. 450 gallons of fuel oil pooled on the roof and spilled into a sump pump that pumps to the street.	U.S. West 925 High Street Des Moines, IA	The Des Moines Hazardous Materials Team responded to the incident. The material was diked and pumped up. The storage tank was pumped to relieve pressure in the system.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1991

Substance Type					Mode					
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	87(112)	52(69)	4(7)	31(36)	42(70)	2(0)	24(25)	2(1)	0(1)	17(15)
Nov.	83(69)	56(36)	3(11)	22(22)	44(35)	1(0)	22(15)	0(4)	1(1)	13(14)
Dec.	81(85)	47(61)	7(14)	27(10)	40(37)	2(1)	28(23)	2(1)	1(1)	8(22)
Jan.										
Feb.										
March										
April										
May										
June										
July										
August										
Sept.										

Total Number Of Incidents Per Field Office This Period:

1	2	3	4	5	6
6	16	15	10	15	19

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of December 1, 1991 through December 31, 1991, the following number of releases from underground storage tanks were identified.

34 (95)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1990.

NUMBER OF LUST CLEANUPS COMPLETED

During the period of December 1, 1991 through December 31, 1991, the following number of LUST cleanups were completed.

23 (498)

The number in parentheses represents the total number of LUST cleanups through December 31, 1991.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Bill Herweh, Prairie City (5)	Underground Tank	Closure Investigation	Referred to AG	11/18/91
Iowa Mold Tooling Co., Inc. Hancock Co. (2)	Hazardous Condition	Failure to Notify	Order/Penalty	11/22/91
West Union Country Club, West Union (1)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate	Order/Penalty	12/02/91
Village Inn, Guttenberg (1)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate	Order/Penalty	12/02/91
Oak Park Drive-In, Marengo (6)	Drinking Water	Monitoring/Reporting-Nitrate	Order/Penalty	12/02/91
Procom Corporation, Lamoni (5)	Drinking Water	Monitoring/Reporting-Nitrate	Order/Penalty	12/02/91
Onawa KOA, Onawa (4)	Drinking Water	Monitoring/Reporting-Nitrate; Public Notice	Order	12/02/91
Linden Water Supply (5)	Drinking Water	MCL-Other Inorganics; Public Notice	Order/Penalty	12/02/91
Calhoun County Sanitary Landfill, Rockwell City (3)	Solid Waste	Compliance Schedule	Order/Penalty	12/06/91
Ingham Lake Lutheran Camp, Emmet County (3)	Drinking Water	Monitoring/Reporting-	Order/Penalty	12/06/91
Fayette County Sanitary Landfill Commission and Nishna Sanitary Services, Fayette County (1)	Solid Waste	Compliance Schedule	Order/Penalty	12/06/91
Village Creek Bible Camp & Retreat Center, Spirit Lake (3)	Drinking Water	MCL - Bacteria; Public Notice	Order/Penalty	12/06/91
Wiota, City of (4)	Drinking Water	MCL - Nitrate; Public Notice	Order/Penalty	12/09/91
Wiley Water Supply (4)	Drinking Water	Monitoring/Reporting-Organics; Public Notice	Order/Penalty	12/09/91
Panama Water Works (4)	Drinking Water	Monitoring/Reporting-Nitrate; Public Notice	Order/Penalty	12/09/91
Open Bible Conference Ground, Ventura (2)	Drinking Water	Monitoring/Reporting-Nitrate; Public Notice	Order/Penalty	12/09/91
Bedford Water Works (4)	Drinking Water	Monitoring/Reporting-Nitrate; Public Notice	Order/Penalty	12/09/91

R. D. Lofton, DVM d/b/a Lofton Veterinary Service, Osage (2)	Underground Tank	Closure Investigation	Order/Penalty	12/09/91
John Bruck, Earling (4)	Underground Tank	Closure Investigation	Order	12/09/91
Jamaica, City of (4)	Drinking Water	Construction Without Permit	Order/Penalty	12/09/91
Western Hills Mobile Estates, Coralville (6)	Drinking Water	MCL - Bacteria; Public Notice	Order	12/09/91
Holstein, City of (3)	Drinking Water	Monitoring/Reporting-Nitrate	Order/Penalty	12/10/91
New Virginia, City of (5)	Drinking Water	Certified Operator	Order/Penalty	12/10/91
Al's Corner Oil Co., Carroll (4)	Hazardous Condition	Remedial Action	Referred to AG	12/16/91
Landfill of Des Moines, Inc., Des Moines (5)	Solid Waste	Compliance Schedule; Other	Referred to AG	12/16/91
Lloyd Dunton, Iowa County (6)	Solid Waste	Illegal Disposal	Referred to AG	12/16/91
Carl A. Burkhardt, Perry (5)	Air Quality Solid Waste	Open Burning Illegal Disposal	Referred to AG	12/16/91
Buffalo Bill Estates, Clinton County (6)	Drinking Water	Monitoring/Reporting-Bacteria; MCL-Bacteria	Referred to AG	12/16/91
Elvira Elementary School, Elvira (6)	Drinking Water	Monitoring/Reporting-Nitrate; Public Notice	Order/Penalty	12/20/91
Clearfield, City of (4)	Drinking Water	Monitoring/Reporting-Nitrate, Organics, Other Inorganics; Public Notice	Order/Penalty	12/20/91
Manson, City of	Drinking Water	Monitoring/Reporting-Organics, Radioactivity; Public Notice	Order/Penalty	12/20/91
Spring Hills Country Club, Mallard (3)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate; Public Notice	Order/Penalty	12/20/91
Dell Oil Ltd., Sioux City (3)	Hazardous Condition	Remedial Action	Order/Penalty	12/20/91
Northern Trails Area Pre-School, Clear Lake (2)	Drinking Water	Monitoring/Reporting-Synthetic Organics	Amended Order-Rescinded	12/20/91
Lake Mills, City of (2)	Drinking Water	MCL - Bacteria	Order/Penalty	12/20/91
Viola Elementary School, Viola (1)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate; Public Notice	Order/Penalty	12/20/91
Buffalo Creek Country Club, Winthrop (1)	Drinking Water	Monitoring/Reporting-Nitrate; Public Notice	Order/Penalty	12/20/91
Calmar Manufacturing Co., Calmar (1)	Air Quality	Construction Without Permit	Amended Order	12/20/91
Ames, City of (5)	Solid Waste	Cover Violations	Order/Penalty	12/20/91
Cedar Falls, City of (1)	Solid Waste	Compliance Schedule	Order	12/20/91
Ronald Venenga d/b/a Center Oil Co., Grundy Center (2)	Hazardous Condition	Remedial Action	Order	12/20/91
Blacktop Service Co., Humboldt (2)	Air Quality	Construction Without Permit	Order/Penalty	12/20/91
CRL Components, Inc., Fort Dodge (2)	Air Quality	Construction Without Permit	Order/Penalty	12/20/91
Grandview Corners, Burlington (6)	Drinking Water	Monitoring/Reporting-Synthetic Organics	Amended Order-Rescinded	12/24/91
Sportsman Lounge, Conesville (6)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate; Public Notice	Order/Penalty	12/24/91
Hickory Hollow Water Co., Ankeny (5)	Drinking Water	Compliance Schedule; MCL-Other Inorganics; Public Notice	Order/Penalty	12/24/91
M and W Mobile Home Park, Muscatine (6)	Drinking Water	Monitoring/Reporting-Bacteria, Organics; Public Notice	Order/Penalty	12/30/91
Earlville Municipal Water Supply (1)	Drinking Water	Monitoring/Reporting-Bacteria, Organics; Public Notice	Order/Penalty	12/30/91
Manning, City of (4)	Drinking Water	Monitoring/Reporting-Other Inorganics	Order/Penalty	12/30/91
Breda, City of (4)	Drinking Water	Monitoring/Reporting-Other Inorganics	Order/Penalty	12/30/91
New Sharon, City of (5)	Drinking Water	Monitoring/Reporting-Other Inorganics	Order/Penalty	12/30/91
Magnolia Water Supply (4)	Drinking Water	Monitoring/Reporting-Bacteria, Other Inorganics	Order/Penalty	12/31/91
Rippey Municipal Water	Drinking Water	Monitoring/Reporting-Other Inorganics	Order/Penalty	12/31/91

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Vern Starling (Boone Co.)	SW	800	9-15-91
Sleepy Hollow Campground (Oxford)	WW	1,000	10-24-91
Waverly Gravel & Ready-Mix Co. (Butler Co.)	AQ	1,000	10-27-91
Capitol Oil Co. d/b/a Dakota MHP (Iowa City)	WW	1,000	11-03-91
Flyway Cafe (Green Island)	WS	435	12-19-91
Central Baptist Church (Council Bluffs)	WS	200	12-24-91
John Hosch (Jones County)	WW	1,000	12-24-91
Bankston, City of	WS	200	12-25-91
Farmers Coop Feed Co. (Florenceville)	UT	300	12-28-91
Custom Hardware Manufacturing, Inc. (Keokuk)	AQ	1,000	12-30-91
Vincent Martinez d/b/a Martinez Sewer (Davenport)	HC	500	1-01-92
Stacyville, City of	WW	200	1-06-92
Tom/Ruth Samuelson d/b/a Quality Car Wash (Osceola)	UT	500	1-07-92
Spring Grove Mobile Home Park (Burlington)	WS	200	1-07-92
Dallas County Christian School (Minburn)	WS	200	1-07-92
Paper Recovery Corporation (Sioux City)	UT	500	1-08-92
Pleasant Creek Estates Assoc. (Shellsburg)	WS	200	1-08-92
The Calmar Manufacturing Co., Inc. (Calmar)	AQ	1,000	1-08-92
Vernus Wunschel d/b/a Wunschel Oil Co. (Ida Grove)	UT	300	1-12-92
Dilts Trucking, Inc. (Crescent)	UT	500	1-12-92
Sylvan Acres (Janesville)	WS	200	1-13-92
North Twin View Heights (Solon)	WS	200	1-13-92
Beaver Hills Country Club (Cedar Falls)	WS	300	1-13-92
Koehring Cranes & Excavators, Inc. (Waverly)	AQ	1,000	1-13-92
Anamosa, City of	WS	200	1-14-92
Mt. Joy Mobile Home Park (Davenport)	WS	200	1-15-92
Rutland Water Supply	WS	500	1-22-92
*Todd D. Behounek and Paul Behounek (Tama County)	SW	500	1-15-92
Bode, City of	WS	600	1-22-92
Krause Feedlot (Hardin County)	WW	500	1-23-92
Town and Country MHP (Fredericksburg)	WS	200	1-23-92
George Kall (Scott County)	SW	500	1-23-91
Thunder Hills Home and Utility Assn. (Peosta)	WS	200	1-23-92
Homestead Colony MHP (Ames)	WS	320	1-25-92
Hilltop Village MHP (Cherokee)	WS	200	1-25-92
Hawarden Water Supply	WS	400	1-25-92
Buffalo Bill Estates, Inc. MHP (Camanche)	WS	500	1-25-92
Darrell's Place (Hamlin)	WS	400	1-27-92
Alton, City of	WS	200	1-29-92
Lidderdale, City of	WS	1,000	1-29-92
Procom Corporation (Lamoni)	WS	200	2-04-92
Village Inn (Guttenberg)	WS	315	2-05-92
West Union Country Club (West Union)	WS	415	2-05-92
Cumberland Ridge First Addition (Solon)	WS	200	2-05-92
Oak Park Drive-Inn (Marengo)	WS	200	2-05-92
Linden Water Supply	WS	1,000	2-11-92
Open Bible Conference Ground (Ventura)	WS	200	2-11-92
Bedford Water Works	WS	200	2-11-92
Willey Water Supply	WS	200	2-11-92
Wiota, City of	WS	500	2-11-92
Calhoun Co. Sanitary Landfill (Calhoun Co.)	SW	1,000	2-11-92
Ingham Lake Lutheran Camp (Emmet Co.)	WS	200	2-11-92
Iowa Mold Tooling Co., Inc. (Hancock Co.)	HC	500	2-12-92
R. D. Lofton, DVM (Osage)	UT	300	2-12-92
Spook Cave, Inc. (McGregor)	WS	200	2-13-92
New Virginia, City of	WS	800	2-13-92
Village Creek Bible Council/Retreat (Spirit Lake)	WS	500	2-14-92
Fayette Co. Sanitary Landfill Commission/Nishna Sanitary Services, Inc. (Fayette Co.)	SW	1,000	2-16-92
Holstein, City of	WS	140	2-16-92
Blacktop Service Co. (Humboldt)	AQ	1,000	2-21-92
Clearfield, City of	WS	640	2-23-91
Lake Mills, City of	WS	400	2-23-92
Ames, City of	SW	1,000	2-24-92
Spring Hills Country Club (Mallard)	WS	200	2-26-92
Elvira Elementary School (Elvira)	WS	200	2-26-92
Don Stickle and Sons Farms (Linn County)	WW	750	8-30-92
Dell Oil Ltd. (Sioux City)	HC	1,000	-----
Manson, City of	WS	300	-----
Viola Elementary School (Viola)	WS	360	-----
Buffalo Creek Country Club (Winthrop)	WS	200	-----
Hickory Hollow Water Co. (Ankeny)	WS	400	-----
M and W Mobile Home Park (Muscatine)	WS	200	-----
Earlville Municipal Water Supply	WS	200	-----
CRL Components, Inc. (Ft. Dodge)	AQ	1,000	-----
Manning, City of	WS	200	-----
Breda, City of	WS	200	-----
New Sharon, City of	WS	200	-----
Magnolia Water Supply	WS	315	-----
Rippey Municipal Water Supply	WS	200	-----
Kinley Corporation (Pottawattamie Co.)	HC	1,000	-----

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Darlo Schaap (Sioux Center)	SW	600	1-14-90
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
M & D's Chalet (Elgin)	WS	490	3-02-91
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth County)	SW	950	4-11-91
Buffalo Bill Estates, Inc. MHP (Camanche)	WS	245	5-14-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
Fred R. Thomas/Fred R. Thomas, Jr. d/b/a Clair-View Acres Store (Delhi)	WS	1,000	8-04-91
M & W Mobile Home Park (Muscatine)	WW	700	8-21-91
Carl A. Burkhart d/b/a American Wrecking Co.	AQ/SW	200	9-15-91
Lloyd Dunton (Iowa County)	SW	300	11-07-91
Buffalo Bill Estates, Inc. (Clinton Co.)	WS	440	11-19-91
Landfill of Des Moines, Inc. (Des Moines)	SW	1,000	1-06-92

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
AMOCO Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP	WW	1,000
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Cloyd Foland (Decatur)	FP	800
King's Terrace Mobile Home Court (Ames)	WW	1,000
Amoco Oil Co. (West Des Moines)	UT	1,000
Stone City Iron & Metal Co. (Anamosa)	AQ	1,000
Manson Water Supply	WS	500
Joe Villinger (West Point)	SW	500
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Maple Crest Motel and MHP (Mason City)	WS	350
Plymouth County Solid Waste Agency	SW	1,000
Chicago & North Western Transportation, et.al.	SW	1,000
Joe Eggers, Jr., et. al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee County)	FP	500
McDowell Dam #2 (Lee County)	FP	500
Camp Riverside (Guthrie County)	FP	500
Molkenthin Swine Operation (Keokuk County)	WW	800
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Oskaloosa, City of	WW	1,000
Clarke County Sanitary Landfill (Osceola)	SW	1,000
Kenneth Bode (Mills Co.)	SW	1,000
Mason City Iron and Metal Co. (Mason City)	AQ	1,000
American Recycling, Inc. (Council Bluffs)	AQ	1,000
Waterloo, City of	WW	1,000
Wally's Paint Shop (Strawberry Point)	AQ	500
Andrews Prestressed Concrete (Cerro Gordo Co.)	SW	1,000
The River Products Co. (Iowa City)	AQ	1,000
Westside Park for Mobile Homes (Lee Co.)	WW	500
Monona Co. SLF/Ronald L. Hanson (Monona Co.)	SW	1,000
Highland Golf Club, Inc. (Iowa Falls)	UT	500
Briggs Woods Park/Hamilton Co. Conservation	WS	200
Casey's General Store (Redfield)	UT	1,000
Independent Oil Company (Mt. Pleasant)	UT	1,000
Don Zimmerman d/b/a Panama Oil Co. (Panama)	UT	500
Tower Club (Cresco)	WS	400
Panama Water Works	WS	200
Robert Dean (Parkersburg)	SW	500
Jamaica, City of	WS	500

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Fertile Municipal Water Supply	WS	100
Pony Creek Homeowners Assoc. #1 (Pacific Jct.)	WS	357
Royal Oaks Court (Spirit Lake)	WS	225
Rottler Farms, Inc.; Pooley & Rottler Farms, Inc. (Butler County)	WW	1,000
Rowley Elementary School (Independence)	WS	100
Mathy Construction Co. (Sioux City)	AQ	1,000
Washburn Water Company, Inc. (Waterloo)	WS	200
Ringgold County Hospital (Mt. Ayr)	AQ	200
Reggie's Auto Body & Repair (Postville)	AQ	100
Joe W. Ringsdorf (Kossuth County)	AQ	250
Carroll Bowl (Carroll)	WS	50
Cushing, City of	WS	200
Martin Subdivision (Iowa City)	WS	100
Winthrop Water Supply	WS	100
Des Moines Co. Bd. of Supv./Sylvester Klassen	AQ	400
Fremont Golf Course (Sidney)	WS	75
Iowa 4-H Camping Center (Madrid)	WS	330
Merle Adams (Hardin Co.)	SW	500
*Todd D. Behounek and Paul Behounek (Tama Co.)	SW	200
TOTAL		\$5,487

*On Payment Schedule

The \$200 penalty assessed Northern Trails Area Preschool (Clear Lake) has been rescinded.

The \$200 penalty assessed Grandview Corners (Grandview) has been rescinded.

The \$1,000 penalty assessed Frito-Lay, Inc. (Council Bluffs) has been rescinded.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
January 1, 1992

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Aidex Corporation Council Bluffs (4)	Updated	Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General	Referred EPA suit filed State intervention Motion to dismiss granted/denied Filed interlocutory appeal Decision in favor of govt. Case Management Hearing Proposed Decree Lodged Federal Register Notice Trial Date	12/16/82 2/26/87 3/05/87 2/26/88 3/11/88 4/04/89 11/20/90 11/20/91 12/03/91 4/30/92
Al's Corner Oil Co. Carroll (4)	New	Hazardous Condition	Remedial Action	Order	Referred	12/16/91
American Meat Protein Corp. Lytton (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred	10/21/91
American Pelletizing Corp. Knoxville (5)	Updated	Air Quality	Emission Standards	Order	Referred Consent Decree (\$11,000/Civil)	2/18/91 2/19/91
Ames Golf & Country Club Ames (5)		Wastewater	Op. Violations Effluent Limits	Referred to Attorney General	Referred	8/19/91
Amoco Oil Company Des Moines (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred Referred Suit Filed	8/21/90 10/15/90 9/27/91

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
January 1, 1992

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Anderson, Nicklos J. d/b/a Far-Mor Feeder Pigs Henry County (6)		Wastewater	Prohibited Discharge	Order	Referred	2/18/91
Archer Daniels Midland Co. Clinton County (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Amended Petition Filed	3/18/91 10/28/91
		Air Quality	Emission Stds.		Referred Petition Filed	5/20/91 10/04/91
Baker, Mike d/b/a M & D's Chalet Elgin (1)	Updated	Solid Waste	Illegal Disposal	Order/Penalty	Referred Motion for Judgment Hearing Date Consent Decree (\$400/Admin.)	4/15/91 11/25/91 12/16/91 12/30/91
Bell Watcher, Inc. Poweshiek Co. (5)	Updated	Wastewater	Operation Violations	Referred to Attorney General	Referred Consent Decree Reactivated	9/20/89 4/23/90 12/23/91
William L. Bown Marshalltown (5)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment	11/20/89 3/03/90 7/27/90
Braun, Jim Franklin County (2)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consent Decree (\$5,000/Civil)	10/21/91 11/26/91 12/23/91
Bridgestone/Firestone, Inc. Des Moines (5)		Wastewater Hazardous Condition	Prohibited Discharge/ Failure/Notify	Referred to Attorney General	Referred	5/21/90
Bruening Rock Products, Inc. Elma (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	2/18/91
Bryant, Robert D.V.M. d/b/a Cherokee Hog Farms Aurelia (3)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	7/15/91
Buffalo Bill Estates, Inc. Camanche (6)		Drinking Water	Mtrg/Rprtng- Nitrate	Order/Penalty	Referred	6/17/91
Buffalo Bill Estates, Inc. Clinton County (6)	New	Drinking Water	Mtrg/Rprtng- MCL - Bacteria	Order/Penalty	Referred	12/16/91
Build-A-Rama Kossuth County (2)		Water Rights	DNR Defendant	Defense	Suit Filed Answer Filed Motion for Summary Judgment Trial Date	7/27/90 10/29/90 10/10/91 4/07/92
Burkhart, Carl A. Perry (5)	New	Air Quality Solid Waste	Open Burning Illegal Disp.	Order Referred	Referred	12/16/91
Cain, Edward and Margaret Clinton County (6)		Flood Plain	Channel Change	Referred to Attorney General	Referred Petition Filed	3/18/91 8/19/91

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ENVIRONMENTAL PROTECTION COMMISSION
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January 1, 1992

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Carney, Don and Gertrude Ft. Dodge (2)		Solid Waste	Illegal Disp.	Order/Penalty	Referred	4/15/91
Carnicle, Roger d/b/a The New Shack Tavern Cedar Rapids (1)	Updated	Drinking Water	MCL - Bacteria	Referred to Attorney General	Referred Petition Filed Trial Date Trial Continued	9/18/90 12/31/90 12/18/91
Chalfant, Milo, et.al. Webster City (2)	Updated	Solid Waste	Illegal Disp.	Order/Penalty	Referred Suit Filed Trial Date	9/20/89 8/08/90 Continued
Chicago & Northwestern Transportation Co.	Updated	Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Answer/Motion to Dismiss Parties Motion Granted Order/Change Venue to Hardin Co. Motion to Consolidate	8/19/91 8/26/91 9/23/91 11/21/91 12/31/91
Blue Chip Enterprises				Order	Petition for Judicial Review Answer/Motion to Dismiss Parties Motion to Consolidate	8/14/91 9/16/91 12/31/91
Hawkeye Land Company Iowa Falls (2)	Updated			Order	Petition for Judicial Review Order/Change Venue to Hardin Co. Motion to Consolidate	9/16/91 11/21/91 12/31/91
Clinton Pallet Co. Clinton (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Suit Filed Default Judgment	11/09/89 4/ /90
Cooper, Kenneth/Hunter Oil Minburn (5)		Storage Tanks	Spill Cleanup	Order	Cooper Referred Hunter Referred Site Assessment DNR Review Remediation Plan	8/17/88 2/01/90 4/20/90 8/22/90
Cota Industries, Inc. Des Moines (5)		Hazardous Condition	Remedial Action	Order	Referred	4/15/91
				Order	Petition for Judicial Review Motion to Dismiss Order Granting Motion to Dismiss Notice of Appeal	4/18/91 5/08/91 7/23/91 8/13/91
Country Estates MH Court Council Bluffs (4)	Updated	Drinking Water	Mtrg/Rprtg- Bacteria	Order/Penalty	Referred Admin. Penalty Paid(\$165)	4/15/91 7/17/91
Country Lane Foods, Division of Yoder, Inc., Kalona (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	11/20/90
Davis, Richard & Sonja (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Referred Suit Filed Default Judgement Filed Motion to Deny Default Motion Overruled	6/22/88 8/11/88 4/21/89 6/14/89 10/04/89
Jimmy Dean Meat Co., Inc. (5)		Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed Trial Date	4/16/90 5/13/91 9/29/92
Osceola, City of (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Amended Petition Filed Trial Date	4/16/90 11/30/90 5/13/91 9/29/92
Denham, Larry Ottumwa (6)		Solid Waste	Illegal Disp.	Referred to Attorney General	Referred Petition Filed Default Judgment	8/21/90 11/30/90 6/10/91
Des Moines, City of (5)		Wastewater	Operation Violations	Referred to Attorney General	Referred	9/18/90
Drewelow, Harvey d/b/a Hanson Tires New Hampton (1)		Air Quality Solid Waste	Open Burning Illegal Disp.	Referred to Attorney General	Referred Petition Filed Trial Date	6/19/90 3/13/91 3/25/92

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ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
January 1, 1992

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Drips, Joseph and Diana vs. DNR		Wastewater	Private Sewage Disposal	Defending	Suit Filed Motion to Dismiss Order Denying Motion to Dismiss Answer Filed Trial Date	8/06/90 6/14/91 9/30/91 10/11/91 2/17/92
Dunton, Lloyd Iowa County (6)	New	Solid Waste	Illegal Disp.	Order/Penalty	Referred	12/16/91
Eagle Wrecking Co. Pottawattamie Co. (4)		Solid Waste	Open Dumping	Order/Penalty	Referred Bankruptcy Claim Filed	6/21/89 7/24/89
Ervin, Don Webster County (2)	Updated	Solid Waste	Operation Without Permit	Order/Penalty	Referred Motion for Summary Judgment Hearing Held Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 6/02/90 7/02/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Contempt Hearing Order of Contempt Motion for Stay Order Granting Stay	9/16/91 9/18/91 12/06/91 12/20/91 12/26/91 12/26/91
First Iowa State Bank Albia (2)		Solid Waste	Open Dumping	Order/Penalty	Petition for Judicial Review Oral Argument	4/12/91 11/04/91
Fred Carlson Co., Inc. Decorah (2)		Air Quality	Emission Standards	Referred to Attorney General	Referred Petition Filed	2/18/91 8/06/91
Great Dane Fertilizer, Inc. Audubon (4)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	9/18/90 1/02/92
Hancock County and William Waddingham (2)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	11/20/90
Herweh, Bill Prairie City (5)	New	Underground Tank	Closure Investigation	Order	Referred	11/18/91
Honey Creek Camping Resort Crescent (4)	Updated	Drinking Water	Mtrg/Rprtng- Bacteria	Order/Penalty	Referred Administratively Closed	8/19/91 12/05/91
Kleindolph, Richard Muscatine (6)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment Partial Penalty Paid (\$300)	10/24/89 4/06/90 8/13/90 9/13/90
Lakeshore Drive, Inc. et.al. Osceola (5)		Flood Plain	Reconstruction	Order	Referred Petition Filed Judgment vs. Lakeshore	11/20/89 2/07/90 4/09/90
Landfill of Des Moines, Inc. Des Moines (5)	New	Solid Waste	Compliance Schedule;Other	Order/Penalty	Referred	12/16/91
Larson, Daryl, D.V.M. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information	11/20/89 3/19/91
Lenox, City of and Papetti's of Iowa, Inc.		Wastewater	Effluent Stnds; Treatment Agreement	Order	Referred	2/18/91
McGinnis, Mike; Alfred Patten; and Dennis Lewis Pottawattamie Co. (4)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed Trial Date	10/24/89 11/15/89 5/06/92

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
January 1, 1992

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
McGregor, John W. and Doris v. DNR (4)		Wastewater	DNR Defendant	401 Certification	Petition for Judicial Review Answer Filed	5/30/91 6/25/91
Bob McKiniss Excavating & Grading v. IDNR		Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Trial Date	3/12/91 5/01/91 4/14/92
Midwest Environmental Law Center v. EPC	New	Air Quality	DNR Defendant	Defense	Suit Filed	12/03/91
Monfort, Inc. Des Moines (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Info. Filed (Polk Co.)	12/11/89 7/19/91
Murphy Trust Keokuk (6)	Updated	Site Registry	- - - - -	Notice of Intent	Petition for Judicial Review Motion to Dismiss Dismissed	8/26/91 9/16/91 11/15/91
M & W Mobile Home Park Muscatine (6)	Updated	Wastewater	Mtrg/Rprt; Discharge Limits; Limits; Operation Violations	Order/Penalty	Referred Motion for Summary Judgment	9/16/91 12/16/91
New Virginia Sanitary District (5)		Wastewater	Mtrg/Rprt	Referred to Attorney General	Referred	9/16/91
Orchard, City of (2)		Drinking Water	Mtrg/Rprt; MCL-Bacteria Operation Violations	Referred to Attorney General	Referred	6/17/91
Pete's Sunoco/ Popejoy Septic West Des Moines (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	6/19/90
Pregler, Gerald Dubuque County (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	10/15/90 5/23/91
Root, William/LAWNKEEPERS Mitchell County (2)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information	7/16/90 8/20/91
Schaap, Darlo Sioux Center (3)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date	2/20/90 6/21/90 12/31/91
Schildberg Construction Co. Atlantic (4)	Updated	Flood Plain	Unauthorized Levee	Referred to Attorney General	Referred Petition Filed Hearing/Petition Intervention	8/19/91 11/25/91 12/30/91
Schultz, Albert and Iowa Iron Works Ely (1)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	9/20/89 8/08/90
Sevig, Gordon, et.al. Walford (1)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Criminal Charges Filed Dismissed w/o Prejudice	9/20/89 7/15/90 11/08/90
Shelley, Robert and Sally Guthrie Center (4)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date	4/15/91 7/18/91 5/19/92
Simmons, Art d/b/a Art's Garage Bussey (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	5/20/91

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
January 1, 1992

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DMR Action	Status	Date
Siouxland Quality Meat Co., Inc. Sioux City (3)	Updated	Wastewater	Discharge Limitations	Referred to Attorney General	Referred Petition Filed Consent Decree (\$5,000)	2/20/90 7/02/90 10/30/91
Soo Line Railroad Co. Mason City (2)		Wastewater Haz. Condition	Prohibited Discharge Remedial Action	Referred to Attorney General	Referred	7/15/91
Stokely USA, Inc. Ackley (4)	New	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	11/18/91
Sun Wise Systems Corp. Sac City (3)	Updated	Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed	10/15/90 11/27/91
Thomas, Fred R. d/b/a Clair-View Acres, Delhi (1)		Drinking Water	Mtrg/Rprtng	Order/Penalty	Referred	9/16/91
Touchdown Co., et. al., Webster City (2)	Updated	Underground Tank	Prohibited Discharge Failure to Rpt Haz. Condition	Referred to Attorney General	Referred Petition Filed Trial Date	6/21/89 2/14/91 5/12/92
Varner, Fred Worth County (2)		Solid Waste	Waste Oil Reporting	Order/Penalty	Referred	5/20/91

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
JANUARY 1, 1992

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Landa	Hearing continued.
12-03-86	Waukee, City of	Administrative Order	WS	Hansen	Amended order issued.
5-12-87	Iowa City Regency MHP	Administrative Order	WW	Hansen	Hearing held 11-03-87; amended order issued.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Landa	Additional sampling results received.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	To District Court 4/12/91 for judicial review.
2-04-88	Beaverdale Heights, Woodsman; Westwood Hills	Administrative Order	WS	Landa	Settlement proposed. Counter offer made.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Landa	One of two sites deemed closed.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	District Court dismisses other issues; Foland appeals to Supreme Court.
7-25-88	Nishna Sanitary Services, Inc.	Permit Conditions	SW	Landa	Dismissed.
8-03-88	Hardin County	Permit Conditions	SW	Landa	Dismissed.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Landa	Compliance initiated. Assessment report submitted.
1-25-89	Amoco Oil Co. - Des Moines	Administrative Order	UT	Landa	Settlement proposed. Clean-up progressing.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
January 1, 1992

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
2-10-89	Northwestern States Portland Cement Company	Site Registry	HW	Landa	Settlement proposed.
2-10-89	Baier/Mansheim/Moyer	Site Registry	HW	Landa	Property transferred.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Landa	Compliance initiated.
6-08-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-12-89	Amana	Site Registry	HC	Landa	Negotiating before filing.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Landa	Petition for judicial review of agency action.
9-01-89	Stone City Iron & Metal	Administrative Order Permit Denial	AQ	Kennedy	Testing done August 28, 1991.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Landa	Hearing continued pending negotiations.
11-17-89	Aten Services, Inc.	Administrative Order	SW/UT	Landa	Compliance completed.
12-11-89	Leo Schachtner	Permit Issuance	FP	Clark	Hearing set for 1/28/92.
1-04-90	Joe Villinger	Administrative Order	SW	Kennedy	Settlement pending.
1-08-90	Northwestern States Portland Cement Co.	Permit Amendment	WW	Landa	Settlement proposed.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	Informal meeting held on 5/18/90.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	Landa	Settlement proposed.
5-09-90	Square D Company	Site Registry	HW	Landa	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Murphy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	Informal meeting held 6-21-91.
6-26-90	Maple Crest Motel and Mobile Home Park	Administrative Order	WS	Hansen	Negotiating settlement.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	Landa	Hearing continued to 1/23/92.
7-11-90	Chicago & Northwestern Co.; Steve L. Carroll; Susan E. Carroll; and Tracy A. Carroll	Administrative Order	NR	Kennedy	New orders issued 12/28/90 rescinding prior orders.
11-20-90		Administrative Order	SW	Kennedy	Hearing continued.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
January 1, 1992

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
7-23-90	IBP, inc. Perry	Administrative Order NPDES Permit	WW	Hansen	Response from IBP 10/14/91.
7-26-90	Plymouth County SW Agency	Administrative Order	SW	Kennedy	Settlement pending.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	Landa	Decision appealed (Pixler). Judicial review requested (Murphy Trust); dismissed 11/15/91.
8-01-90	J.I. Case Company	Site Registry	HW	Landa	Settlement proposed.
9-06-90	Wilbur Numelin d/b/a Lakeview Enterprises; Carl Hankenson	Administrative Order	UT	Landa	Proposed decision 9/9/91. Appealed.
9-10-90	IBP, inc. Columbus Junction	Administrative Order NPDES Permit	WW	Hansen	Briefing sched. established/arguments to EPC 2/92.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Landa	Stipulations prepared.
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Hearing continued.
10-02-90	James Rhoads; Manatt's, Inc.	Administrative Order	HC	Landa	Hearing continued.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Landa	Negotiating before filing.
10-18-90	Harlan Pruess	Claim	HC	Landa	Hearing continued indefinitely.
10-23-90	Chariton Municipal Water Department	Water Use Permit	WS	Clark	Settlement close.
10-29-90	Arcadian Corporation	NPDES Permit Conditions	WW	Hansen	Settlement offer made by Arcadian. DNR responding.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	WR	Clark	Hearing continued.
11-29-90	Natural Gas Pipeline of America	NPDES Permit Denial	WW	Hansen	Hearing continued to 2/18/92.
12-04-90	United States Gypsum Company	Administrative Order	SW	Kennedy	Negotiating before filing.
12-21-90	Des Moines, City of	Administrative Order	UT	Landa	Settlement proposed.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Negotiating before filing.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Landa	Hearing continued.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
2-22-91	Leon & Rebecca Pierce Camp Riverside	Administrative Order	FP	Clark	Hearing continued.
3-08-91	ADM - Cedar Rapids	Conditional Permit	AQ	Landa	Hearings begun.
3-21-91	Molkenthin Swine Operation	Administrative Order	WW	Murphy	Negotiating before filing.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WW	Murphy	Negotiating before filing.
4-29-91	R.V. Hopkins, Inc.	Const. Permit Denial	AQ	Landa	Settlement proposed.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WW	Hansen	Negotiating before filing.
5-16-91	Oskaloosa, City of	Administrative Order	WW	Hansen	Negotiating before filing.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
January 1, 1992

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
5-16-91	Clarke Co. Sanitary Landfill	Administrative Order	SW	Kennedy	Hearing set for 2/28/92.
5-20-91	Dad's Fuel Stop	Administrative Order	UT	Wornson	Settled.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Landa	Hearing set for 12/10/91.
5-20-91	Mason City Municipal Airport/ Dwyer Aircraft Sales, Inc.	Administrative Order	UT	Wornson	Settled.
5-21-91	The Market of Clear Lake, Inc.	Administrative Order	UT	Wornson	Settled.
5-31-91	Kenneth Bode	Administrative Order	SW	Kennedy	Hearing set for 2/11/92.
5-31-91	Cargill, Inc.	Certificate to Construct	AQ	Landa	Written direct testimony filed.
7-05-91	Mason City Iron & Metal Co.	Administrative Order	AQ	Landa	Sent to DIA.
7-08-91	Ringgold County Hospital	Administrative Order	AQ	Landa	Appeal withdrawn. Settled.
7-15-91	Des Moines Independent School District - North High School	Site Registry	HC	Landa	Hearing set for 1/16/92.
7-15-91	Andrews Prestressed Concrete	Administrative Order	SW	Kennedy	Negotiating before filing.
7-22-91	Rupp Tire	Administrative Order	UT	Wornson	Settlement proposed.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Murphy	Negotiating before filing.
7-24-91	Clow Valve Co.	Const. Permit Denial	AQ	Landa	Negotiating before filing.
7-26-91	American Recycling, Inc.	Administrative Order	AQ	Landa	Negotiating before filing.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	HC	Landa	Hearing continued. Compliance initiated.
8-05-91	Rathburn Area Solid Waste Comm.	Permit Conditions	SW	Kennedy	Negotiating before filing.
8-14-91	Williamsburg, City of	Administrative Order	WW	Hansen	Negotiating before filing.
8-23-91	Wally's Paint Shop	Administrative Order	AQ	Landa	Hearing continued. Settlement proposed.
8-23-91	Waterloo, City of	Administrative Order	WW	Hansen	Hearing continued.
8-29-91	Iowa Southern Utilities	Certificate to Construct	AQ	Landa	Written testimony filed.
9-03-91	Chalstrom Beach	Administrative Order	WS	Hansen	Hearing set for 3/10/92.
9-04-91	Duane Arnold Energy Center	Permit Condition	WW	Hansen	Negotiating before filing.
9-09-91	The Rivers Products Company	Administrative Order	AQ	Landa	Negotiating before filing.
9-13-91	GBE, Limited	Administrative Order	AQ/SW	Landa	Negotiating before filing.
9-16-91	Mononoe Co. SLF Agency	Administrative Order	SW	Kennedy	Negotiating before filing.
9-17-91	Westside Park for Mobile Homes	Administrative Order	WW	Hansen	Negotiating before filing.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Landa	Negotiating before filing.

January 1992

Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES January 1, 1992

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
9-27-91	Battle Creek, City of	Administrative Order	WS	Hansen	Negotiating before filing.
10-02-91	IBP, inc. - Storm Lake	Permit Conditions	WW	Hansen	Negotiating before filing.
10-23-91	Parker Hannifin Corp.	Permit Conditions	WW	Hansen	Negotiating before filing.
10-23-91	Young Radiator Co.	Administrative Order	WW	Hansen	New case.
10-30-91	West Liberty, City of	Permit Conditions	WW	Hansen	Negotiating before filing.
11-07-91	Casey's General Store (Redfield)	Administrative Order	UT	Wornson	Informal hearing requested on penalty.
11-14-91	Ossian, Inc.	Permit Denial	AQ	Landa	New case.
11-15-91	Highland Golf Club, Inc.	Administrative Order	UT	Wornson	Informal hearing requested on penalty.
11-20-91	Hamilton County Conservation Board	Administrative Order	WS	Clark	Negotiating before filing.
12-03-91	State Central Bank	Administrative Order	UT	Wornson	Settlement proposed.
12-03-91	Independent Oil Corporation	Administrative Order	UT	Wornson	Order amended.
12-05-91	Scenic Valley Motel	Administrative Order	WS	Clark	New case.
12-05-91	Tower Club	Administrative Order	WS	Hansen	New case.
12-06-91	Panama Oil Company	Administrative Order	UT	Wornson	Settlement reached. Amended order issued.
12-09-91	Robert Dean	Administrative Order	SW	Kennedy	New case.
12-09-91	Des Moines Co. Bd. of Supervisors	Administrative Order	AQ	Kennedy	Settled.
12-09-91	Koehring Cranes and Excavators	Administrative Order	AQ	Landa	New case.
12-23-91	Panama Water Works	Administrative Order	WS	Clark	New case.
12-24-91	Jamaica	Administrative Order	WS	Clark	New case.
12-31-91	Linden Water Supply	Administrative Order	WS	Hansen	New case.
12-31-91	Clow Valve Company	Permit Denial	AQ	Landa	New case.

Mr. Stokes distributed a memo to the Commission, from Mike Murphy, in regards to Nationwide Permits. He noted that this memo is in relation to Item #10 but he will hand it out now as this item will be taken up after lunch.

Mr. Stokes answered a number of questions regarding various items in the reports.

Charlotte Mohr expressed concern over the growing list of administrative penalties.

Mr. Stokes explained that most of the facilities have been listed since December 1991 and are still subject to appeal. There are only a few that have been listed for some time.

Discussion followed regarding various cases on the referral report.

This was an informational item; no action was required.

STATE REVOLVING FUND - INTENDED USE PLAN

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The department recommends Commission approval of a final State Revolving Fund Intended Use Plan (IUP) for the State of Iowa, Fiscal Year 1992. The attached IUP is presented to the Commission following a public hearing and subsequent modifications to the plan published as proposed on November 25, 1991. The results of the public participation are addressed in Section IX of the plan. This IUP was developed according to DNR rule 567--92. Changes from the proposed IUP are summarized as follows:

1. Additional applications were included in the list of proposed loan recipients due to the availability of funds in the SRF and the receipt of additional applications since the plan was proposed.
2. The plan is updated to reflect EPA's current preliminary advice of Iowa's allotment of funds for FY 1992.
3. Project information in the plan has been updated to reflect the latest information regarding schedules and loan needs.

Upon Commission approval, an application for a capitalization grant will be prepared and submitted to EPA. Anticipating an EPA grant award in April places the state bond sale for the state matching funds in May and loan agreements with cities possible in June.

(Intended Use Plan and Appendix A are shown on the following 13 pages)

STATE REVOLVING FUND INTENDED USE PLAN
FOR THE STATE OF IOWA
FISCAL YEAR 1992

Submitted to the
U.S. Environmental Protection Agency
Region 7

By the
Iowa Department of Natural Resources

January 1992

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I. INTRODUCTION

The State of Iowa herewith submits its Intended Use Plan (IUP) for all funds available in the State Revolving Fund (SRF) during Fiscal Year (FY) 1992. This plan is based on receiving a capitalization grant from the FY 1992 Title VI funds appropriated by the U.S. Congress for the Iowa State Revolving Fund. In addition, the FY 1992 SRF will include the State's required 20% match for this grant. These funds will be added to the SRF funds provided in FY 1989, 1990, and 1991.

II. SRF FUNDS

This Intended Use Plan is based upon federal funds expected to be available for FY 1992 by Congressional appropriation. The Clean Water Act authorized program funding at \$1.2 billion nationally for each of 1989 and 1990, \$2.4 billion for FY 1991 and \$1.8 billion for FY 1992. The FY 1992 appropriation was over \$1.9 billion. With this appropriation the FY 1992 Title VI allotment for Iowa is estimated to be \$26.7 million. This Intended Use Plan will project a capitalization grant of \$26,428,842 available to Iowa in FY 1992. Also available in FY 92 is the balance of Iowa's FY 91 allotment not awarded to the state in the FY 91 SRF capitalization grant in the amount of \$1,201,599. The 20% state match of \$5,526,088 and both sources of capitalization grant funds could provide an addition of \$33,156,529 to the SRF for FY 1992. This plan also projects to use over \$2.8 million in funds currently in the SRF to finance project loans.

III. LIST OF PROJECTS

The management of the state's revolving fund loan program including the development of a priority list of projects for loan assistance has been proposed according to DNR rules 567--92 (455B). With added FY 1992 funds, it is Iowa's intention to make additional funds available to an FY 1991 project and assist fifteen new projects as well as fund the administration of the SRF program. There is no intention to fund (Section 319) nonpoint source projects or (Section 320) estuarine projects in FY 1992 as permitted by Title VI of the Clean Water Act. No projects for municipalities which appear on the National Municipal Policy (NMP) List have been placed on the Loan List for proposed loan assistance to meet "first use" requirements of the Clean Water Act. Projects identified for assistance from FY 1990 and 1991 funds are shown in Chart 1 Parts 1 and 2.

The total loan needs of all applications submitted by the July 1, 1991 deadline in DNR rules did not exceed the revolving fund that could be provided by the actual FY 1992 allotment of federal funds. Therefore, all applications submitted by July 1, 1991 are listed as proposed loan recipients on Chart 1 Part 3. Applications received after July 1, 1991, through the date of the public hearing on this Intended Use Plan were also be considered for inclusion on the list of recipients for FY 1992 loan assistance. These applicants are listed on Chart 1 Part 3 in priority order following those applications received by July 1, 1991.

Applicants will be offered loan assistance subject to meeting program requirements.

The state expects to apply for a capitalization grant and issue bonds to fund the proposed loan projects and related administrative costs. Funds already available in the SRF will also be used.

Based on the environmental reviews that have been conducted on the proposed Section 212 projects to date, it is not anticipated that any of these projects will need to undergo development of an Environmental Impact Statement (EIS).

Priority Projects

The Clean Water Act requires that the capitalization grant and the state match funds are first to be used to assure maintenance of progress toward compliance with enforceable deadlines, goals and requirements of the Act, including the municipal compliance deadline. EPA has determined that this first-use has been met when all municipalities on the NMP list are in compliance, on an enforceable schedule, have an enforcement action filed, or have a funding commitment by the end of the year covered by the IUP. This is a onetime determination.

An analysis made of Iowa's NMP municipalities in FY 1989 determined that all have met one of the above criteria. Therefore, Iowa assures maintenance of progress toward compliance with enforceable deadlines, goals, and requirements of the Clean Water Act as expected by Title VI.

To determine which wastewater treatment facility projects should be funded by the SRF, the FY 1992 Project Priority List (PPL) prepared under state rule was reviewed, and the highest priority projects expected to be able to take advantage of SRF funds within the time frame allowed by state rule IAC 567--92 for FY 1992 were identified (see Chart 1, Parts 1, 2 and 3). There are sixteen projects identified for loan assistance for FY 1992, in addition to twenty-four identified for FY 1990 and 1991 that did not actually receive loan agreements prior to the start of FY 1992. These projects appear on Chart 1 by fiscal year in the order of their ranking as described above on the priority list. No nonpoint source projects (Section 319) or estuarine projects (Section 320) have been proposed for funding from the SRF.

In the event that projects identified for funding in the IUP do not attain readiness for a loan commitment by August 31, 1992, these delayed projects may be bypassed. Other projects may be added to a contingency list (Chart 2) to be funded based on the state's implementing rules for the SRF program (see IAC 567-92). Consideration of the by-pass projects will occur in August of 1992 by the Department of Natural Resources.

This IUP may be amended as allowed by DNR rules and Section VII of this plan. Applications received may total more than what may be available for Iowa's SRF. Should insufficient funds be available in the SRF to fund all projects listed in Chart 1, projects will be removed from the bottom of the list as necessary and placed on the Contingency List. This will occur following the state's notice of its federal allotment and the determination of funds available.

Funds reserved for administration costs of the SRF program are shown in Chart 1, Part 4. A reserve for water quality management planning as required by Title VI of the Clean Water Act will be set aside from Iowa's FY 1992 Title VI allotment and granted to the state for this purpose separately from the SRF. This reserve does not appear in this IUP and has already been taken into account in projecting Iowa's capitalization grants for FY 1992.

IV. LONG-TERM AND SHORT-TERM GOAL STATEMENTS

A. Long-Term Goals

1. Protect the environment, and public health and welfare by ensuring state water quality standards are achieved and maintained; and that waters of the state are not degraded by improperly or inadequately treated municipal wastewaters, or nonpoint pollution sources.
2. Establish a perpetual program to provide financial assistance to communities for the purpose of constructing facilities to properly and adequately treat municipal wastewaters, or abate and control nonpoint pollution sources.
3. Provide a financial assistance program, in the form of loans, which are competitive with private financing options available to communities while assuring the perpetual nature of the program.
4. Allocate financial assistance in a priority manner based upon water quality impacts of the proposed projects.
5. Establish program requirements which are simple, understandable, applicable to all projects, and to the fullest extent possible are not burdensome to the recipients of assistance.
6. Establish mechanisms for funding the on-going administration of the program once federal funding stops.

B. Short-term Goals (to be implemented in FY 1992)

1. Administer the State Revolving Loan Program consistent with federal statute, regulation and guidance; and in accordance with state law and promulgated rules.

2. Commit loan funds to fully fund as many communities as possible in accordance with the state priority rating system, this Intended Use Plan, and available funding in order to assist in the construction of the highest water quality impact projects.
3. Commit 120% of federal capitalization grant funding available this federal fiscal year.
4. Provide state funds through bonding in the amount required to provide the 20% match for available federal allotments in FY 1992.

V. INFORMATION ON THE SRF ACTIVITIES TO BE SUPPORTED

A. Allocation of Funds

Allocation of funds to eligible projects was based on a three-step process:

The amount of financial assistance needed for each application was estimated;

The sources and spending limits for all FY 1992 SRF funds were identified; and

The SRF funds were allocated among the projects, consistent with the amount available and the financial assistance needed.

Information pertinent to each SRF project is contained in Chart 1, pursuant to Section 606(c)(3) of the CWA.

B. SRF Policies

Loan Interest Rate

The interest rate for all loans made from the SRF in FY 1992 will be determined in accordance with state rules and based upon the State's costs for generating required matching funds via bonding (see IAC 567--92.11). Interest rates for projects identified for different fiscal years may vary.

C. Administrative Costs of the SRF

Iowa intends to use SRF funds equivalent to 4% of the Federal capitalization grant funds to pay the costs of administering the State Revolving Fund loan program. Based on the estimated allotment to Iowa from the estimated FY 1992 Title VI appropriation, the State could have \$1,105,218 available from the FY 1992 revolving fund for administrative support in managing and operating the SRF program. The amount shown on Chart 1, Part 4 and Chart 3 is based on receiving the maximum capitalization grant. A commitment of \$510,626 from FY 1989 funds, \$528,177 from FY 1990 funds, and \$1,062,965 from FY 1991 funds has already been made.

The annual budget for program administration may be less than the 4% allowed by the Clean Water Act for administrative costs. Unused commitments are reserved for use in future years as necessary.

VI. ASSURANCES AND SPECIFIC PROPOSALS

Iowa will provide the necessary assurances and certifications as part of an Operating Agreement between the State of Iowa and the U.S. EPA. Iowa's Operating Agreement includes the requirements of the following sections of the law:

- ° 602(a) - Environmental Reviews
The State of Iowa will conduct environmental reviews as specified in the Project Review Procedures attached to the Operating Agreement.
- ° 602(b)(3) - Binding Commitments
The State of Iowa will enter into binding commitments for 120% of each quarterly payment within 1 year of receipt of that payment.
- ° 602(b)(4) - Expeditious and Timely Expenditures
The State of Iowa will expend all funds in the SRF in a timely and expeditious manner.
- ° 602(b)(5) - First Use for Enforceable Requirements
The State of Iowa will assure maintenance of progress toward enforceable deadlines, goals and requirements of the CWA, including the municipal compliance deadline. Maintenance of progress is defined in EPA guidance for the SRF program.
- ° 602(b)(6) - Compliance with Title II Requirements
The State of Iowa agrees to meet the specific statutory requirements for public owned wastewater projects constructed in whole or in part before FY 1995 with funds directly made available by Federal capitalization grants.

Iowa will meet equivalency requirements using Title II procedures, as included in the State's Construction Grant Delegation Agreement with EPA. State rules require that all Section 212 projects funded under Title VI of the Clean Water Act will meet the Title II requirements specified in Title VI.

VII. CRITERIA AND METHOD FOR DISTRIBUTION OF FUNDS

The following approach was used to develop Iowa's proposed distribution of SRF funds: (1) analysis of the priority of communities applying and financial assistance needed; (2) identification of the sources and spending limits of available funds; (3) allocation of funds among projects; (4) development of a payment schedule which will provide for making timely binding commitments to the projects selected for SRF assistance; and (5) development of a disbursement schedule to pay the project costs as incurred.

A. Priority of Communities and Financial Assistance Needed

Iowa law provides only for loan assistance. The state's SRF rules identify the priority rating system used to establish priorities for loan assistance.

Projects were considered only for loan financing assistance for project costs incurred after a loan commitment. Refinancing is not being considered in FY 1992.

B. Allocation of Funds Among Projects

Once the total amount of funds and spending limits were identified, Chart 3 was prepared showing the amount needed by quarter to meet the binding commitment of each project. These amounts were summarized by quarter and the totals are shown at the bottom of the columns.

Since it was not necessary to provide loan funding to any project to meet the federal "first use" requirement, all projects listed in Chart 1 may be funded from the SRF.

All projects scheduled for funding with Iowa's SRF will be reviewed for consistency with appropriate plans developed under sections 205(j), 208, 303(e), 319 and 320 of the Clean Water Act, as amended. Evidence of this review and finding of consistency will be documented in each SRF project file. Should a project fail to meet this review criteria it may be bypassed as allowed by State rules. Chart 2 provides for contingency projects which may be considered for loan assistance as bypass projects according to state rules without formal amendment of this intended use plan. Projects may be added to Chart 2 in priority order as applications are received.

VIII. METHOD OF AMENDMENT OF THE INTENDED USE PLAN

This intended use plan will be followed by the State in administering SRF funds in FY 1992. Public participation in the development of the IUP is required by EPA. Any revisions of the goals, policies and method of distribution of funds, including the list of loan projects, must be addressed by a revision of the IUP including opportunity for public participation. Minor adjustments in funding schedules, loan amounts and use of bypass provisions including funding of projects on the contingency list are allowed by the procedures of this IUP and state rules for administration of the SRF without public notification.

IX. PUBLIC REVIEW AND COMMENT

A public meeting was held to allow input into Iowa's proposed FY 1992 Intended Use Plan. The announcement appeared in the Des Moines Register, a newspaper of statewide circulation, on November 25, 1991. The notice was also mailed directly to approximately 1,600 addresses including all cities, counties, sanitary districts, consulting engineers, city engineers, councils of governments area planning agencies, and groups which might have an interest. A copy of the

notice is attached (Appendix A). The public hearing was held on December 16, 1991. Comments were accepted through December 16, 1991.

Six persons attended the hearing. Three oral comments were heard at the hearing. Ottumwa's city engineer and their consulting engineer both requested that the city of Ottumwa be considered for the FY 1992 list of loan projects. A loan application was received by the DNR prior to July 1, 1991, however, had been screened out for placement on the FY 1992 IUP due to projected timing of project construction. The city's comment, which was also submitted in writing at the hearing, requested reconsideration based on a phased program in which the city could borrow \$3.5 million for use in the next two years. The city's proposal is accepted and it's recommended that Ottumwa be included in FY 1992 funding for \$3.5 million loan assistance.

The consulting engineer for the city of Carlisle, on the city's behalf, submitted written and oral comments at the hearing. The city is included on the FY 1991 project list approved last year for a loan of \$901,000. Since that time the city's facility plan has been revised due to the impact of revised state water quality standards on Carlisle and costs have significantly increased. The city requested consideration for a supplemental loan of \$1.0 million in FY 1992 to fully fund the project. The department recommends that Carlisle's request, which was received after July 1, 1991, be added to the project list according to its priority following the applications that were received prior to July 1, 1991, according to state rules.

Five additional applications for FY 1992 loan assistance were received during the notice period and were considered as comments (Graettinger, \$11,100; Oskaloosa, \$1,215,000; Grinnell, \$1,808,614 and \$5,855,100; and Estherville, \$687,878). The department recommends these applicants be added to the list in Chart 1, Part 3 in their relative order among applications received after July 1, 1991, with the following exception: Grinnell's application for 1,808,614 is considered incapable of meeting program requirements and is already under construction so cannot be included. Also, in reviewing available SRF funds and the project schedule for Grinnell's \$5,855,100 application, it is proposed that this project be segmented and a loan of \$4,095,000 included on the FY 1992 IUP. The balance of the project is listed on the Contingency list in Chart 2.

The FY 1991 portion of the project list was also revised with the removal of three projects (New Hampton, Nora Springs and Hawarden) by request or mutual agreement.

These recommendations maximize use of the SRF according to the goal statement in Section III B.2 of the IUP.

The IUP has been submitted to the Environmental Protection Agency for their review. It will be a part of the state's application for the FY 1992 capitalization grant.

Since the drafting of the proposed Intended Use Plan, EPA has advised the state of the actual national appropriation of funds for the SRF and their preliminary estimate of the allotment for Iowa for FY 1992. Thus, references to a final maximum grant are now included.



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
LARRY J. WILSON, DIRECTOR

NOTICE TO IOWA MUNICIPALITIES
INTERESTED IN LOW INTEREST LOANS
FOR WASTEWATER IMPROVEMENTS

NOTICE OF PUBLIC HEARING - Proposed Intended Use Plan for the administration of a Revolving Loan Fund for wastewater treatment facilities.

The Iowa Department of Natural Resources (DNR) will hold a public hearing on December 16, 1991, beginning at 1:00 p.m. in the 5th floor conference room of the Henry A. Wallace State Office Building, 900 East Grand, Des Moines, Iowa. Comments are invited on the proposed State Revolving Fund Intended Use Plan for the State of Iowa Fiscal Year 1992.

Written comments will be accepted through December 16, 1991. Oral comments may be presented at the hearing. Requests for copies of the Intended Use Plan or written comments may be directed to Wayne Farrand, Supervisor, Wastewater Permits Section, Iowa Department of Natural Resources, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319 (telephone 515/281-8877).

The Intended Use Plan presents the State's administration of a revolving fund for loans to municipalities for wastewater treatment work construction. It includes a list of eligible applicants to date for fiscal year 1992 assistance. The plan was developed pursuant to state rules adopted for this purpose (IAC 567--92(455B)). The final Intended Use Plan will be a part of the State's application for the federal contribution to the revolving fund. It is anticipated that the Environmental Protection Commission will act on a final plan at its January, 1992, meeting. The proposed list of projects including the loan amounts in the Intended Use Plan is as follows:

PERRY	\$894,000.00
CORALVILLE	\$1,145,000.00
BOONE	\$7,320,000.00
OSCEOLA	\$1,681,000.00
DUBUQUE	\$4,926,000.00
COUNCIL BLUFFS	\$6,606,150.00
SIGOURNEY	\$523,500.00
CERRO GORDO COUNTY	\$1,036,500.00
DENMARK SD	\$730,000.00
AFTON	\$87,000.00

Chart 1: FY 92 Intended Use Plan Project – Specific Information

Chart 1 Part 1: FY 90 Section 212 Publicly Owned Treatment Works (POTW) Projects

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					
Carlisle	192016-01	25	30		II	901	2/92	6/92	10/93
LeGrand	192018-01	25	30		I	647	6/91	6/91	5/92

Part 1 Total: 1,548

Chart 1 Part 2: FY 91 Section 212 Publicly Owned Treatment Works (POTW) Projects

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					
Preston	192012-02	25	30		IVB, I	225	1/92	1/92	4/92
Perry	192008-01	25	30	2.3 NH3	I	3990	12/91	12/91	1/94
Adel	192009-01	25	30		I	139	12/91	11/91	5/92
Indianola	192021-01	25	30	3.0 NH3	I, IVB	1353	11/91	3/92	6/93
Mason City	192022-01	25	30		II	4237	12/91	1/92	3/93
Independence	192017-02	25	30		IVB	372	1/92	2/92	8/92
Kanawha	192024-01	25	80		I	232	1/91	5/92	3/92
Marengo	192026-01	25	80		I	360	11/91	11/91	6/92
Des Moines ICA	192001-03	25	30	5.5 NH3	IVB	4908	3/91	3/92	8/92
Ankeny	192030-01	25	30		IVB	925	12/91	12/91	7/92
Avoca	192031-01	25	80		I	415	11/91	6/92	7/92
Melcher-Dallas	192032-01	25	80		IVA, IVB	153	1/92	6/92	7/92
Agency	192033-01	25	80		I	110	1/92	3/92	6/92
Coralville	192034-01	25	30		I	5055	3/92	3/92	1/93
Missouri Valley	192037-01	25	30		IVA, IVB	337	1/92	3/92	7/92
Anita	192039-01	25	30		IVB	225	1/92	6/92	12/92
Stanton	192040-01	25	80		I	372	1/92	3/92	11/92
Knoxville	192041-01	25	30		IVB	1270	2/92	4/92	11/92
Clinton	192042-01	25	30		I	2964	1/92	3/92	1/93
Farragut	192045-01	25	30		I, IVB	358	2/92	3/92	10/92
Johnston	192046-01	25	30		I, IVB	2185	1/92	4/92	12/92
Sheldon	192054-01	25	30	8.0 NH3	I	292	1/92	1/92	4/92

Part 2 Total: 30,477

Chart 1 Part 3: FY 92 Section 212 Publicly Owned Treatment Works (POTW) Projects

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					
Perry	192008-02	25	30	2.3 NH3	I	333	6/92	6/92	1/94
Ottumwa	192034-02	4	30	1.0 NH3	II	3500	7/92	10/92	3/94
Coralville	192034-02	25	30		IVB	1145	6/92	9/92	4/93
Boone	192047-01	25	30	1.6 NH3	II	7320	5/92	8/92	12/94
Osceola	192048-01	25	30	6.7 NH3	IIIB, IVB	1681	9/92	4/92	4/94
Dubuque	192049-01	25	30		I	4926	6/92	6/92	12/93
Council Bluffs	192050-01	25	30	0.8 TRC	IVB	6606	6/92	7/92	12/93
Sigourney	192051-01	25	80		I	523	7/92	9/92	3/93
Cerro Gordo Co.	192052-01	25	30		IVA, IVB	1037	7/92	4/92	11/93
Denmark S.D.	192044-01	25	30		I, IVA	300	6/92	11/92	10/93
Afton	192053-01	25	80		IIIA	87	7/92	9/92	7/93
Carlisle	192016-02				I	1022	6/92	6/92	10/93
Graettinger	192056-01	25	80		I	411	7/92	10/92	6/93
Oskaloosa	192007-01	11	30	2.9 NH3	II	1215	9/92	11/92	11/93
Grinnell	192057-01	25	30	495# NH3	I, IIIA, IVB	4095	7/92	10/92	10/93
Estherville	192058-01	25	30	4.0 NH3	I	688	6/92	10/92	7/93

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Part 3 Total: 34,889

Chart 1 Part 4: Section 603(d)(7) Program Administration

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					
PGM - ADM (92)		NA	NA	NA	NA	1105	6/91	NA	NA

Part 4 Total: 1105

FY GRAND TOTAL: 68,019

Key to Need Categories

- I Secondary Treatment
- II Treatment more stringent than secondary
- IIIA Infiltration/inflow rehabilitation
- IIIB Major sewer system rehabilitation
- IVA New collectors and appurtenances
- IVB New interceptors and appurtenances
- V Correction of combined sewers

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Chart 2: FY 92 Intended Use Plan Contingency Projects - Specific Information

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					
Grinnell	192057-02	25	30	495# NH3	IIIA	1760	7/92	10/92	10/93

Key to Need Categories

- I Secondary Treatment
- II Treatment more stringent than secondary
- IIIA Infiltration/inflow rehabilitation
- IIIB Major sewer system rehabilitation
- IVA New collectors and appurtenances
- IVB New interceptors and appurtenances
- V Correction of combined sewers

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Chart 3: Loan List – Projected Binding Commitments by Quarter

Project Name: Community Serve	Project Number	Prior Year	BINDING COMMITMENTS							
			Fiscal Year 1992				Fiscal Year 1993			
			QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4
FY90—Section 212 POTW Projects										
Carlisle	192016–01			901						
LeGrand	192018–01			647						
FY91—Section 212 POTW Projects										
Preston	192012–02			225						
Perry	192008–02			3990						
Adel	192009–01		139							
Indianola	192021–01		1353							
Mason City	192022–01		4237							
Independence	192017–02			372						
Kanawha	192024–01			232						
Marengo	192026–01		360							
Des Moines ICA	192001–03			4908						
Ankeny	192030–01		965							
Avoca	192031–01		415							
Melcher–Dallas	192032–01			153						
Agency	192033–01			110						
Coralville	192034–01			5055						
Missouri Valley	192037–01			337						
Anita	192039–01			225						
Stanton	192040–01			372						
Knoxville	192041–01			1270						
Clinton	192042–01			2964						
Farragut	192045–01			358						
Johnston	192046–01			2185						
Sheldon	192054–01			292						
FY91—Section 212 POTW Projects										
Perry	192008–02				333					
Ottumwa	192055–01					3500				
Coralville	192034–02				1145					
Boone	192047–01				7320					
Osceola	192048–01					1681				
Dubuque	192049–01				4926					
Council Bluffs	192050–01				6606					
Sigourney	192051–01					523				
Cerro Gordo Co.	192052–01					1037				
Denmark S.D.	192044–01				300					
Afton	192053–01					87				
Carlisle	192016–02				1022					
Graettinger	192056–01					411				
Oskaloosa	192007–01					1215				
Grinnell	192057–01					4095				
Estherville	192058–01					688				
PGM – ADM (FY89)		510								
PGM – ADM (FY90)		528								
PGM – ADM (FY91)		1063								
PGM – ADM (FY92)					1105					
TOTALS		2,101	7,469	24,596	22,757	13,237				
CUMULATIVE TOTALS		27,386*	34,855	59,451	82,208	95,445	95,445	95,445	95,445	95,445
FY TOTALS		27,386				68,059				
REQUIRED BINDING COMMITMENTS		27,386			3,265	22,734	9,155		22,757	8,399
CUMULATIVE REQUIRED AMOUNT		27,899	27,899	27,899	31,164	53,898	63,053	63,053	85,810	94,209
BINDING COMMITMENT PERCENT REQUIRED			125%	213%	264%	177%	151%	151%	111%	101%

* Includes previous binding commitments to project loans in FY90 and prior as well as PGM–ADM commitments.

Mr. Stokes gave a brief explanation of the plan.

Motion was made by Margaret Prahl to approve the State Revolving Fund Intended Use Plan for 1992. Seconded by Nancy Lee Siebenmann. Motion carried unanimously.

NOTICE OF INTENDED ACTION--CHAPTER 148, REGISTRY OF HAZARDOUS WASTE OR HAZARDOUS SUBSTANCE DISPOSAL SITES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Iowa Code 455B, Division IV, Part 5, is the legislative authority for placing sites on the Registry. Written procedures have been developed internally which are used as guidance by the staff for placing sites on the Registry.

On July 25, 1991, an Administrative Law Judge ruled that the department's reliance on its procedure manual without following 17A required rulemaking procedures was in error. From this ruling it appears necessary and appropriate for the department to develop and implement rules for placing sites on the Registry.

These rules establish the procedures and criteria the department will use with respect to listing sites on the Register of Hazardous Waste or Hazardous Substance Disposal Sites. Included are:

- * Criteria for selection of site investigations
- * Procedures for site investigation prior to listing on the registry
- * Criteria for classifying sites
- * Procedures for listing sites
- * Reporting Requirements

(Rule is shown on the following 8 1/2 pages)

ENVIRONMENTAL PROTECTION COMMISSION (567)

NOTICE OF INTENDED ACTION

Pursuant to the authority of Iowa Code section 455B.412, the Environmental Protection Commission hereby gives Notice of Intended Action to add new Chapter 148, "Registry of Hazardous Waste or Hazardous Substance Disposal Sites," Iowa Administrative Code.

The proposed new rules establish the procedures and criteria the department will use with respect to listing sites on the Registry of Hazardous Waste or Hazardous Substance Disposal Sites. These rules also set forth the criteria to be considered by the Department for determining the appropriate site classification.

Any interested person may make written suggestions or comments on the proposed rules on or before March 28, 1992. Such written materials should be directed to John Vedder, Department of Natural Resources, 900 East Grand, Des Moines, Iowa 50319, FAX 515/281-8895.

Also, there will be a public hearing at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record, and to confine their remarks to the subject of the rule. The public hearing shall be held at the following location and time:

March 18, 1992, at 10:00 a.m., Wallace State Office Building, Room 4E, 900 East Grand, Des Moines.

This Chapter is intended to implement Iowa Code section 455B.426.

The following new rules are proposed:

CHAPTER 148

REGISTRY OF HAZARDOUS WASTE OR HAZARDOUS SUBSTANCE DISPOSAL SITES

567-148.1(455B) Scope.

148.1(1) These rules establish the procedures and criteria the department will use with respect to listing sites on the Registry of Hazardous Waste or Hazardous Substance Disposal Sites as required by Iowa Code section 455B.426. These rules apply to the evaluation for listing of known or suspected hazardous waste

or hazardous substance disposal sites and to changes of the listing of sites on the registry.

148.1(2) These rules shall not limit the department's authority under Chapter 133 to determine the parties responsible and cleanup actions necessary to meet the goals of the state pertaining to the protection of the groundwater. These rules shall not limit the department's authority to require remedial or preventative action, or to take remedial or preventative action, as necessary to protect the public health, environment, or quality of life or to otherwise prevent or abate the exposure of the citizens of the state to hazardous conditions.

148.1(3) Persons subject to these rules retain all applicable appeal rights provided in Iowa Code chapter 455B.

567--148.2(455B) Definitions.

"Action Level" means, for any contaminant, the HAL, if one exists; if there is no HAL, then the NRL, if one exists; if there is no HAL or NRL, then the MCL. If there is no HAL, NRL, or MCL, an action level may be established by the department based on current technical literature and recommended guidelines of EPA and recognized experts, on a case-by-case basis.

"Contaminant" means any chemical, ion, radionuclide, synthetic organic compound, microorganism, waste or other substance which does not occur naturally or which does occur naturally at a lower concentration, and includes all hazardous substances.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of a hazardous waste or hazardous substance into or on land or water so that the hazardous waste or hazardous substance or a constituent of the hazardous waste or hazardous substance may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

"Groundwater" means any water of the state as defined in Iowa Code section 455B.171 which occurs beneath the surface of the earth in a saturated geologic formation of rock or soil.

"HAL" means a lifetime health advisory level for a contaminant, established by the EPA. Health advisories represent the concentration of a single contaminant, based on current toxicological information, in drinking water which is not expected to cause adverse health effects over lifetime exposure.

"Hazardous Substance" means a hazardous substance as defined in 42 U.S.C. 9601, and any element, compound, mixture, solution, or substance designated pursuant to 40 C.F.R 302.4.

"Hazardous Waste" means a waste or combination of wastes as defined in Iowa Code section 455B.411.

"Hazardous Waste or Hazardous Substance Disposal Site" means real property which has been used for the disposal of hazardous waste or hazardous substances either illegally or prior to regulation as a hazardous waste or hazardous substance under Iowa Code chapter 455B, Division IV, Part 5 and any adjoining real property and groundwater affected by the disposal activity.

"MCL" means the enforceable maximum contaminant level established by the EPA pursuant to the Safe Drinking Water Act.

"NRL" means the negligible risk level for carcinogens established by the EPA, which is an estimate of one additional cancer case per million people exposed over a lifetime to the contaminant (1×10^{-6}).

567—148.3(455B) Site Selection for Investigation Criteria.

148.3(1) General requirement. The director shall investigate each known or suspected hazardous waste or hazardous substance disposal site.

148.3(2) Order of investigation. Three priority criteria shall be used to help determine the order of investigation of potential sites for the registry. The criteria are intended as general guidance and shall not be used to limit the department's selection of sites for investigation or the order of such investigation.

a. 1st Priority. Final or proposed National Priorities List (NPL) sites. These are sites which have received a Hazardous Ranking System (HRS) score greater than 28.5.

b. 2nd Priority. Sites with documented releases of contaminants to the groundwater above action levels or which otherwise may pose a significant threat to human health or the environment because of known or potential disposal activities.

c. 3rd Priority. Sites without documented releases of contaminants to the groundwater above action levels and which otherwise may not pose a significant threat to human health or the environment because of known or potential disposal activities.

567--148.4(455B) Site Investigation for Listing on Registry.

148.4(1) Determination of eligibility . The Department shall determine if a site meets the statutory definition of a hazardous waste or hazardous substance disposal site. A brief written document shall be prepared which includes a recommended eligibility determination and provides summary information in support of this recommendation. The purpose of the determination document is limited to providing guidance for conducting further investigation of the site.

a. File review. The review of site investigation reports and other documents in the department's files shall be the primary source of information for making the eligibility determination. The director may also conduct an on-site investigation in the manner provided by the Iowa Code section 455B.416 to help make the eligibility determination.

b. Documentation of disposal. The determination of hazardous waste or hazardous substance disposal is supported by the confirmation of disposal of a specific amount of at least one hazardous waste or hazardous substance. Other evidence may provide adequate support for a positive determination and may include documentation of waste disposal that is likely to have included a significant amount of at least one hazardous waste or hazardous substance, or documentation of soil, surface water, or groundwater contamination and a likely disposal source location.

c. Documentation of illegal or unregulated disposal. The determination of disposal either illegally or prior to regulation as a hazardous waste or hazardous substance is appropriate for confirmed disposal activities unless the disposal occurred legally at a permitted hazardous waste disposal facility as regulated in accordance with the Resource Conservation and Recovery Act (RCRA).

148.4(2) Site information package. A site information package shall be developed to provide an accurate summary of information about the site based on the relevant information in the department's files. The document is intended to provide sufficient summary information to support adding a site to the registry and determining a site classification. However, the use of the site information package is not intended to prevent consideration of the more complete file documents or of new information about the site.

a. File review. The review of site investigation reports and other documents in the department files shall be the primary source of information for preparing the site information package. The director may also

conduct an on-site investigation in the manner provided by the Iowa Code section 455B.416 to help prepare the site information package.

b. Contents. The site information packages shall be prepared with a similar format for each site. This format shall be designed, and modified as appropriate, to insure that adequate information as required by the Iowa Code section 455B.428 for the investigation of sites is included in each document.

c. Site boundaries. A legal description of the site is required for the registry listing. This boundary description shall be proposed in the site information package and shall include the area used for disposal and any adjoining real property and groundwater affected by the disposal activity. The site description may include multiple property owners.

d. Toxicity and environmental fate summaries. Information about the characteristics of individual toxic contaminants shall be contained in an appendix attached to the site information package. This information shall be developed as separate summary documents for the contaminants found at or known to be disposed of at the site. These individual summary documents are intended to provide supplemental information about the toxic characteristics of the most significant contaminants found at the site. Once prepared, these documents can be updated and reused with other site information packages as appropriate. The toxicity and environmental fate summaries shall be prepared with a similar format for each contaminant. This format shall be designed, and modified as appropriate, to insure that adequate information is included in each document.

567--148.5(455B) Site Classification

138.5(1) General requirement. The Code of Iowa section 455B.427(3) requires the director to assess the relative priority of the need for action at each site to remedy environmental and health problems resulting from the presence of hazardous wastes or hazardous substances at the sites. Every site must be placed in one of five classifications. However, sites which are reclassified "e" shall be removed from the registry.

148.5(2) Criteria for determining site classification. The criteria described in 148.5(3) to 148.5(7) shall be used to help determine the appropriate classification or reclassification for sites on the registry. The department shall propose the recommended site classification after the development of the site information

package described in 148.4(2).

148.5(3) "a" *Causing or presenting an imminent danger of causing irreversible or irreparable damage to the public health or environment--immediate action required.* The documented release of contaminants is causing or the imminent threat of release of contaminants is likely to cause one of the following conditions:

- (1) Exposure above groundwater action levels in a drinking water supply used for human or animal consumption.
- (2) Exposure above health guidelines through inhalation, ingestion, or with direct contact with soil or water.
- (3) Exposure resulting in the threat of acute toxic impacts on aquatic life or irreversible impact on the environment.

148.5(5) "b" *Significant threat to the environment--action required.* The documented release of contaminants is causing or the potential release of contaminants is likely to cause one of the following conditions:

- (1) Groundwater contamination above groundwater action levels.
- (2) The likely possibility of exposure above health guidelines through inhalation, ingestion, or with direct contact with soil or water.
- (3) Exposure resulting in the threat of chronic toxic impacts on aquatic life or significant impact on the environment.

148.5(5) "c" *Not a significant threat to the public health or environment--action may be deferred.* There is no documented release of contaminants to groundwater above groundwater action levels and the potential for release under current site conditions is unlikely to cause a significant threat to the environment.

148.5(6) "d" *Site properly closed--requires continued management.* The site has been properly closed under an EPA or state approved remedial action plan in which the hazardous wastes or hazardous substances were removed, treated, or contained on-site and one of the following conditions is required:

- (1) Continued environmental monitoring to determine the adequacy of the remedial action.
- (2) Continued site management to maintain the integrity of the physical closure structures.

(3) Continued control of site to prevent inappropriate use of the property.

148.5(7) "e" *Site properly closed, no evidence of present or potential adverse impact--no further action required.* The site meets one of the following conditions:

(1) The site has undergone complete cleanup under an EPA or state approved closure plan and no monitoring, structural maintenance, site access control, or other action is required.

(2) The site has undergone other action which demonstrates that no further monitoring, structural maintenance, site access control, or other action is required.

148.5(8) *Department of Public Health (DPH) classification recommendation.* As required by Iowa Code, section 455B.427(3), the department shall work in cooperation with the DPH in making assessments of the relative priority classification on matters relating to public health. The department's proposed classification and a copy of the site information package shall be submitted with the request for the DPH site classification recommendation.

567--148.6(455B) Site Listing

148.6(1) *Notification to site owner.* After receiving and considering the recommended site classification from the DPH, the department shall notify the owner of any part of a site to be included in the registry. The notice shall include the name of the site owner(s), legal description of the site, period of waste disposal (if known), type of hazardous waste or hazardous substances disposed of or found as contaminants at the site, and the intended site classification. The notice shall be sent by certified mail to the owner's last known address thirty days before the site is added to the registry.

148.6(2) *Appeal of site listing.* During the thirty-day notice period, the owner or operator may appeal for deletion of the site, modification of the site classification, or modification of any information regarding the site. The site shall not be listed on the registry until a final decision has been made on the appeal in accordance with the Iowa Code section 455B.429.

148.6(3) *Recording of site designation.* After the site is placed on the registry, the director shall file with the county recorder a statement disclosing the period of waste disposal and the type of hazardous waste or hazardous substances disposed of or found as contaminants at the site.

148.6(4) *Changes to site listing.* Changes to the site boundary or site classification shall not be made without notice to the affected property owner(s). Changes in site boundary designations shall be filed with the county recorder. The director shall also notify the county recorder when the site has been reclassified "e" and has been removed from the registry.

148.6(5) *Use and transfer of listed sites.*

a. Restriction on use. Written approval of the director is required prior to any substantial change in the use of a listed site. The written requests shall be considered on the basis of the potential impact to human health and the environment.

b. Restriction on property transfer. Written approval of the director is required to sell, convey, or transfer title of a listed site. The written requests shall be considered on the basis of the potential impact on human health and the environment.

c. Appeal of director's decisions. Decisions of the director concerning the use or transfer of a listed site may be appealed in a manner provide in Iowa Code section 455B.429.

148.6(6) *Financial disclosure.* Financial discloser is required of a person liable for site cleanup costs. The disclosure report is required upon request of the department immediately after the site is listed on the registry. A subsequent report is required annually on April 15 for the period the site remains on the registry. The report shall consist of documentation of the responsible person's liabilities and assets, including if filed, a copy of the annual report submitted to the secretary of state pursuant to the Iowa Code chapter 496.

567--148.7 Annual Report.

148.7(1) *General requirement.* Annually, On January 1, the director shall transmit a report to the general assembly and governor identifying all sites on the registry. The report shall include all sites that have been added to the registry through October 30 of the preceding year. Sites that have been reclassified "e" during the year shall be deleted from subsequent annual reports. A copy of the report shall be sent to the board of supervisors of every county containing a site.

148.7(2) *Specific site information requirements.* The report shall include, but is not limited to the following information for each site:

- a. A general description of the site, including the site location and name, current owner, and the type and quantity of hazardous waste or hazardous substance disposed of at the site.
- b. If known, a summary of significant environmental problems at or near the site.
- c. If known, a summary of serious health problems in the immediate vicinity of the site and health problems deemed by the director in cooperation with the DPH to be related to conditions at the site.
- d. If occurring, the status of testing, monitoring, or remedial actions in progress or recommended by the director or other agencies.
- e. If occurring, the status of pending legal actions and federal, state, or local permits concerning the site.
- f. The relative priority classification for remedial action at the site.
- g. The proximity of the site to private residences, public buildings or property, school facilities, places of work, or other areas where individuals may be regularly present.

Mr. Stokes gave a brief explanation of the rules.

Motion was made by Margaret Prahl to approve Notice of Intended Action--Chapter 148, Registry of Hazardous Waste or Hazardous Substance Disposal Sites. Seconded by Rozanne King. Motion carried unanimously.

Nancylee Siebenmann asked why it took so long to approve the Iowa City landfill cleanup plan. She related that, according to an article in the Cedar Rapids Gazette, the plan was submitted in July 1991.

Mr. Stokes stated that there was an old landfill they were using for a number of years that has documented leachate and documented groundwater contamination. The city has been trying to get a permit for a new cell adjacent to the existing site. He noted that staff has been working with the city for the last year trying to get all the information that was needed from them. The final pieces of information were received within the last 30 days and approval was given on the remedial investigation feasibility study plan. The permit for the new cell at the new location was also approved at that time.

Commissioner Siebenmann commented that the article was misleading because it indicated that the department was saying the delay was due to budget cutbacks and lack of DNR staff to get the work done.

Mr. Stokes commented that that was the press' characterization, not that of staff.

NOTICE OF INTENDED ACTION--CHAPTERS 100 AND 102, PERMITS:
SPECIAL WASTE AUTHORIZATIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

In 1989 the legislature amended 455B and added an "Infectious Waste" section that included several definitions dealing with infectious waste. It is proposed that Chapter 100 be amended to include those definitions as follows: infectious, infectious waste, contaminated sharps, cultures and stocks of infectious agents, human blood and blood products, pathological waste, and contaminated animal carcasses. The chapter will also be expanded to include (1) a definition of special waste, (2) a change in the definition of toxic and hazardous waste, and (3) changes in the paragraph dealing with Special Waste Authorizations.

It is proposed that Chapter 102 be amended to incorporate specific waste types and analytical testing requirements into the special waste category. A new analytical testing requirement is proposed for paint related wastes to replace the Total Extractable Hydrocarbon test currently used. The Total Hydrocarbon test has been found to be unacceptable for determining hydrocarbons contained in the waste. The proposed analytical testing requirement would add nine additional "solvent like" constituents to the current Toxicity Characteristic Leaching Procedure.

(Rule is shown on the following 5 1/2 pages)

ENVIRONMENTAL PROTECTION COMMISSION (567)
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.304, the Environmental Protection Commission gives Notice of Intended Action to amend 567--Chapter 100 "Scope of Title-Definitions-Forms-Rules of Practice," and Chapter 102 "Permits," Iowa Administrative Code.

The Commission proposes to amend 567--Chapter 100 to adopt definitions of infectious waste, contaminated sharps, cultures and stocks of infectious agents, human blood and blood products, pathological waste, and contaminated animal carcasses. The chapter will also be expanded to include a definition of special waste. The rules in 567--102 will be amended to incorporate specific waste types and analytical testing requirements into the special waste category. A new analytical testing requirement is being proposed for paint related wastes to replace the Total Extractable Hydrocarbon test currently used. The Total Extractable Hydrocarbon test has been found to be unacceptable for determining hydrocarbons contained in the wastes. The proposed analytical testing requirement would add nine additional "solvent like" constituents to the current Toxicity Characteristic Leaching Procedure.

Written comments may be directed to Jim Thayer, DNR, Wallace Building, Des Moines, Iowa 50319, FAX 515/281-8895 on or before March 28, 1992. Interested persons may also provide oral comments at a public hearing to be held March 18, 1992, at 1:00 p.m. in the 4 East Conference Room, Wallace State Office Building, 900 East Grand, Des Moines, Iowa.

These rules are intended to implement section 455B.304 and 455B.490 of the Code of Iowa.

These amendments may impact small businesses.

The following amendments are proposed:

ITEM 1. Amend subrule 567--100.2(455B) as follows:

"Toxic and Hazardous Waste" means a waste material, including but not limited to poisons, pesticides, herbicides, fungicides, insecticides, acids, caustics, pathological wastes, flammable or explosive materials and similar harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety- because of its physical, toxicological, or chemical properties is a waste which may not be disposed of in a sanitary disposal project. All wastes which are subject to regulation as "hazardous wastes" under the Resources Conservation and Recovery Act are "toxic and hazardous wastes".

ITEM 2. Further amend subrule 100.2(455B) by adding the following definitions:

"Special Waste" means waste materials including but not limited to non-hazardous industrial wastes, infectious wastes, and similar potentially harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety and may be disposed of in a sanitary landfill in Iowa if authorized by the Department.

"Infectious" means containing pathogens with sufficient virulence and quantity so that exposure to an infectious agent by a susceptible host could result in an infectious disease when the infectious agent is improperly treated, stored, transplanted, or disposed.

"Infectious waste" means waste, which is infectious, including but not limited to contaminated sharps, cultures, and stocks of infectious agents, blood and blood products, pathological waste, and contaminated animal carcasses from hospitals or research laboratories.

"Contaminated sharps" means all discarded sharp items derived from patient care in medical, research, or industrial facilities including glass vials containing materials defined as infectious, suture needles, hypodermic needles, scalpel blades, and pasteur pipettes.

"Cultures and stocks of infectious agents" means specimen cultures collected from medical and pathological laboratories, intravenous tubing, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biological agents, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate or mix cultures.

"Human blood and blood products" means human serum, plasma, other blood components, bulk blood, or containerized blood in quantities greater than twenty milliliters.

"Pathological waste" means human tissues and body parts that are removed during surgery or autopsy.

"Contaminated animal carcasses" means waste including carcasses, body parts and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals.

ITEM 3. Amend subrule 100.3(2)(455B) as follows:

~~Industrial sludge and toxic and hazardous waste disposal instructions~~
Special waste disposal instructions. Requests for special waste
 authorizations instructions for the disposal of hazardous or toxic
 waste special waste

, as required by 102.15(2) shall be submitted to:

Administrative Support Station
 Special Waste Authorizations
 Environmental Protection Division
 Iowa Department of Natural Resources
 Henry A. Wallace Building
 900 East Grand
 Des Moines, Iowa 50319-0034

Further amend subrule 100.3(2)(455B) by amending paragraph "a" as follows:

a. Requests shall be made by submitting Form 46 (542-3216) "Request for Special Waste Authorization" accompanied by supporting data as deemed necessary by the department. In case of emergency, instructions may be obtained by telephone by calling 515/281-8693. In these limited circumstances when the waste is unused commercial product in the original container which has attached legible labels and there is reasonable certainty that the label accurately represents the contents of the container the owner of this waste need only submit a Waste Disposal of Commercial Products Only, Form 47 (542-3148). Special waste authorization request forms can be obtained by calling 515/281-3426.

ITEM 4. Amend rule 567--102.15(455B) by adding the following introductory paragraph:

The goal of the Special Waste Authorization program is to insure that all wastes are properly disposed of. Toxic and hazardous wastes, as defined in rule 100.2, shall not be disposed of in a sanitary disposal project in Iowa.

Further amend subrule 567--102.15(2)(455B) as follows:

102.15(2) Special waste. Industrial sludge and toxic and hazardous waste No industrial sludge or toxic and hazardous waste shall be delivered to nor disposed by a sanitary disposal project unless explicit instructions are first obtained from the department.

102.15(2)b Prior to the issuance of any such instructions, the department may require that a proposal for disposal of such waste in conformance with these rules with supporting data as may be deemed necessary be submitted by the originator of such waste for evaluation by the department. The prohibition of such waste shall continue in effect until an acceptable procedure for processing or disposal has been developed and approved; analytical testing supporting the characterization of the waste as non-hazardous. The analytical results must be submitted along with the "Request for Special Waste Authorization" Form 46 (542-3216). The TCLP testing requirements may be altered if the department believes there is sufficient evidence supporting the absence of a constituent or constituents usually required by the TCLP. Material Safety Data Sheets may be used as supporting evidence if the waste constituents are clearly listed. The department reserves the right to refuse any Material Safety Data Sheet which is not properly and sufficiently prepared.

102.15(2)c All toxic and hazardous waste or industrial sludge special waste for which instructions have been received shall be disposed according to those instructions.

102.15(2)d Wastes may be disposed under a Special Waste Authorization if the waste is non-hazardous as determined by the following criteria:

1. No TCLP (Toxicity Characteristic Leaching Procedure) constituents over the following federally regulated levels:

Arsenic	5.0 mg/l
Barium	100.0 mg/l
Benzene	0.5 mg/l
Cadmium	1.0 mg/l
Carbon tetrachloride	0.5 mg/l
Chlordane	0.03 mg/l
Chlorobenzene	100.0 mg/l
Chloroform	6.0 mg/l
Chromium	5.0 mg/l
o-Cresol	200.0 mg/l
m-Cresol	200.0 mg/l
p-Cresol	200.0 mg/l
Cresol	200.0 mg/l
2,4-D	10.0 mg/l
1,4 Dichlorobenzene	7.5 mg/l
1,2 Dichloroethane	0.5 mg/l
1,1 Dichloroethylene	0.7 mg/l
2,4 Dinitrotoluene	0.13 mg/l
Endrin	0.02 mg/l
Heptachlor (and its hydroxide)	0.008 mg/l
Hexachlorobenzene	0.13 mg/l
Hexachloro-1,3-butadiene	0.5 mg/l
Hexachloroethane	3.0 mg/l
Lead	5.0 mg/l
Lindane	0.4 mg/l
Mercury	0.2 mg/l
Methoxychlor	10.0 mg/l
Methyl ethyl ketone	200.0 mg/l
Nitrobenzene	2.0 mg/l
Pentachlorophenol	100.0 mg/l
Pyridine	5.0 mg/l
Selenium	1.0 mg/l
Silver	5.0 mg/l
Tetrachloroethylene	0.7 mg/l
Toxaphene	0.5 mg/l
Trichloroethylene	0.5 mg/l
2,4,5-Trichlorophenol	400.0 mg/l
2,4,6-Trichlorophenol	2.0 mg/l
2,4,5-TP (Silvex)	1.0 mg/l
Vinyl chloride	0.2 mg/l

2. Paint related wastes require TCLP testing of an additional nine constituents. The additional nine regulatory limits are as follows:

Acetone	10.0 mg/l
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Butyl alcohol	10.0 mg/l
Ethyl acetate	90.0 mg/l
Ethylbenzene	70.0 mg/l
Isobutanol	30.0 mg/l
Methylene chloride	0.5 mg/l
Styrene	20.0 mg/l
Toluene	100.0 mg/l
Xylene	100.0 mg/l

2. No free liquids as determined by the Paint Filter Liquids Test
3. pH of solid in 10% solution not less than or equal to 2 or greater than 12.5
5. Does not meet any of the federal Resource Conservation and Recovery criteria for listed or characteristic hazardous wastes.
6. The waste is not contaminated by pesticides or herbicides.

ITEM 5. Add the following new paragraphs to 102.15(2)(455B):

e. Specific types of wastes requiring a Special Waste Authorization for disposal in a sanitary landfill.

1. Industrial sludges: Analytical testing requirements include Toxic Characteristic Leaching Procedure, Paint Filter Liquids Test, and pH. If solvents are used in the process which generates the sludge, the additional TCLP organics are required.
2. Paint, stain, and varnish wastes (filters, overspray, sludges): Analytical testing requirements include the Paint Filter Liquids Test, Toxic Characteristic Leaching Procedure, pH, and the additional TCLP organics.
3. Incinerator ash, fly ash, baghouse dust: Analytical testing requirements include the Toxic Characteristic Leaching Procedure.
4. Wastewater grit and bar screenings: No analytical testing is required. The grit and bar screenings must be stabilized with lime to a pH of at least 12 for two hours.
5. Sandblast waste: Analytical testing requirements include Toxic Characteristic Leaching Procedure, and pH.
6. Filtering media: Analytical testing requirements include Toxic Characteristic Leaching Procedure, and pH.
7. Sharps: Must be sterilized and disposed of in a rigid container. No analytical testing required.
8. Other infectious wastes: Must be sterilized in a bag manufactured for stability during sterilization. The bag must have a special tape in the upper 1/3 portion that will have black or dark brown lines running through showing that sterilization took place after the tape was applied to the bag.

9. Pharmaceuticals and biological products: Labels listing chemical composition must accompany Form 46.
10. Industrial process waste: (Does not include office waste that could be characterized as other than process waste). Analytical testing requirements include Toxic Characteristic Leaching Procedure, pH, and Paint Filter Liquids Test.
11. PCB contaminated wastes: Analytical testing requirements include PCB content. Wastes having levels of PCB contamination above the federal maximum contamination levels shall not be authorized for disposal.
12. Pathological wastes and contaminated animal carcasses: Must be incinerated rendering them non-recognizable. The incinerator ash requires the Toxic Characteristic Leaching Procedure.
13. Captan treated seed bags: There are no analytical testing requirements but special handling is required at the sanitary landfill. Captan treated seed should be recycled through an ethanol plant.
14. Pesticide contaminated wastes containing less than 10 ppm total pesticides.
15. Polynuclear Aromatic Hydrocarbon(PAH) contaminated soil may be disposed if the Total PAH level is below 500 ppm and the Total Carcinogenic PAH level is below 100 ppm.
16. Aflatoxin contaminated wastes may be disposed at levels of 500 ppb or lower.

Mr. Stokes pointed out changes made as a result of the Commission's comments last month.

Motion was made by Charlotte Mohr to approve Notice of Intended Action--Chapters 100 and 102, Permits: Special Waste Authorizations. Seconded by Nancy Lee Siebenmann. Motion carried unanimously.

ECONOMIC IMPACT STATEMENT FOR CHAPTER 135 AMENDMENTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The department requests adoption of the attached economic impact statement for the amendments to Chapter 135, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks," adopted at the August 1991 commission meeting. The economic impact statement was requested by the Administrative Rules Review Committee at its October 8, 1991 meeting.

The economic impact statement notes two changes in the rules that are expected to cause an economic impact. The first change is the requirement to install underground storage tanks with secondary containment at sites contaminated above allowed corrective action levels. This is expected to cause higher installation costs but lower costs when the prevention of environmental contamination and cleanup are considered. The second change is the requirement for a site cleanup report, site risk classification, and corrective action response based on the risk classification for contaminated sites. The overall cost of corrective action is expected to be reduced by allowing monitoring instead of cleanup at sites considered to have low environmental risk.

(Statement is shown on the following 4 1/2 pages)

**ENVIRONMENTAL PROTECTION
COMMISSION[567]
ECONOMIC IMPACT STATEMENT**

The Iowa Department of Natural Resources gives notice pursuant to Iowa Code section 17A.4 of issuance of an economic impact statement relative to amendments to Chapter 135, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks." The amended rules were published under Notice of Intended Action in the September 18, 1991, Iowa Administrative Bulletin. The rules were contained in ARC 2325A.

This economic impact statement has been prepared in response to a formal request by the Administrative Rules Review Committee at its October 8, 1991 meeting.

There are two changes in the rules that will have an economic impact on owners and operators of underground storage tanks. These are the requirement to install underground storage tanks with secondary containment at sites contaminated above allowed action levels and new corrective action requirements based on a site risk classification as determined in the site cleanup report.

Secondary containment at contaminated sites

The 1991 Iowa Acts, Senate File 362, required replacement or upgrade of an underground storage tank at a contaminated site above departmental action levels to be double wall construction or be equipped with a secondary containment system with monitoring for leaks in the interstitial space between the primary and secondary containment structures. An alternative to the above is any other tank system or methodology approved by the Iowa comprehensive underground storage tank fund board (UST Fund Board).

Rules have been proposed by the UST Fund Board to allow single wall tanks with automatic tank gauging as an alternative installation at contaminated sites that they have designated as not "environmentally sensitive."

It has been estimated that tank upgrading will be done at about 2,400 contaminated tank sites. The UST fund has estimated about 1,800 of these sites will receive benefits.

The UST Fund Board will reimburse a tank owner up to \$10,000 per site for installation of tanks with secondary containment at contaminated sites. No reimbursement from the fund is available for the single wall tanks. The actual reimbursement would be towards the difference in price of installing the double wall system instead of a single wall system. The cost of installation for both tank types is about the same.

The economic impact of installing tanks with secondary containment must be considered from two different aspects. The installation of secondary containment is more expensive than installing single wall tanks. However, secondary containment

prevents environmental contamination from tank leakage and the high cost of cleanup.

The typical gas station contains two or three tanks with a capacity of 8,000 or 10,000 gallons. The cost of a typical single wall 10,000 gallon tank is approximately \$6,000 and a double wall tank approximately \$16,000. An 8,000 gallon tank costs approximately \$5,300 for a single wall tank and approximately \$13,000 for a doubled wall tank.

For sites with two and three tanks, the cost difference is \$20,000 and \$30,000 more for installing double wall tanks. With the reimbursement, the cost of the tanks is reduced to approximately \$10,000 and \$20,000 per site.

For the 1,800 sites receiving reimbursement from the UST fund, the fund would be contributing \$18 million toward the installation of double wall tanks. The tank owners would contribute an additional \$18 million to \$36 million to cover the difference between single and double wall tanks..

For the estimated 600 sites not eligible for reimbursement from the UST fund the additional cost of installing double wall tanks instead of single wall tanks would be \$12 million to \$18 million.

Underground tank owners will find installing single wall tanks or relining existing tanks at less "environmentally sensitive" sites more immediately cost effective. This could greatly reduce the above cost estimations.

The cost of cleaning up these 2,400 sites at an average cost of \$90,000 is \$216 million. If 25% of the sites are considered low risk, the cost of monitoring these sites and cleaning up the rest is still approximately \$207 million. If these sites would have had secondary containment no cleanup costs would have been incurred.

The additional cost of installing secondary containment is more than offset by the reduction in cost of cleaning up future releases that do not occur as a result of double wall construction. Contamination of the environment and its unknown costs are also prevented.

Corrective Action Response

The 1991 Iowa Acts, Senate File 362, requires the owner and/or operator to submit a site cleanup report once contamination above the departments action levels is discovered. The report includes site investigation procedures and findings, site risk assessment, and corrective action response.

A site assessment and cleanup of contamination was required prior to these rule changes. A site is now determined high or low risk based on the site assessment. The new rules base the type of corrective action response on the risk classification.

A low risk site does not have to be cleaned up but the contamination has to be monitored for movement and possible high risk conditions for up to twelve years. A site determined to be high risk would have to be cleaned up to no risk or low risk conditions.

The department can not make a good estimation of the actual economic impact of these rule changes because of many unknowns. Most of the elements that impact final remedial or monitoring costs will not be known until site assessments have been completed. There are also other items that can influence the overall economic impact.

A site assessment includes determining the extent of contamination, the underlying geology and hydrogeology, natural and man-made conduits, and apparent contamination movement.

The determination of a high risk site takes into account the actual or potential for site contamination to affect public or private water supplies, affect an aquifer serving or with the potential to serve as a public or private water supply, cause damage to utility conduits or structures, cause concentration of combustible gases above explosive limits, or cause benzene levels above allowable limits in occupied structures.

A low risk site is a contaminated site that does not meet high risk conditions. Monitoring at a low risk site can include monitoring for contamination movement in the ground, in groundwater, and as soil vapor. The actual cost of monitoring will depend on characteristics of the site and surrounding area, along with the type of contamination movement that must be considered.

The underlying geology of a site is not homogeneous making the spread of contamination uneven both in horizontal and vertical movement. Contamination movement itself can have seasonal changes such as in direction of groundwater movement in the spring due to heavy precipitation.

The cost of monitoring at low risk sites is expected to be less than contamination cleanup. The cost for each site depends on the number of sampling events each year, if new soil borings are required at each sampling, the number of groundwater monitoring wells being sampled, if water samples must be obtained at different depths within the groundwater aquifer, if soil vapor movement needs monitoring, and the cost of putting together the monitoring report that includes the monitoring results compared to high risk classification factors.

Costs can change for low risk sites that show contamination movement and become high risk sites that require cleanup. A low risk site can also become high risk based on activities occurring off-site on neighboring properties, such as the installation of new utility lines, buildings, and water supply wells. In contrast, a high risk site could be remediated to low risk status, reducing overall costs.

The cost of assessing site contamination and producing the site cleanup report has been estimated to range from \$15,000 to \$24,000 with an average of approximately \$20,000. This is an increase of \$5,000 to \$6,000 from the site assessment performed prior to the rule change. The Iowa UST Fund provides the first \$20,000 of the cost of a site cleanup report for sites eligible for remedial benefits, reducing the impact of the increase for most site owners and operators.

The Iowa UST Fund has estimated that monitoring costs at low risk sites over the twelve year monitoring period will average at least \$18,000. Including the site cleanup report, the total average cost would be around \$38,000.

The cost of cleaning up contamination can range from \$20,000 to over \$1 million. It has been estimated in the past by the Iowa UST fund that an "average" cost of cleanup was around \$90,000 which included a site assessment. Average total cleanup costs with the rule change would be roughly \$96,000. This could increase with inflation.

For the site that is now considered low risk, the cost savings under the new rules would be approximately \$52,000. For the high risk site having to be cleaned up, the cost would increase by the expected \$6,000 of added cost for completing a site cleanup report. The major economic benefit of these rules will be the reduction of costs for the Iowa UST Fund since it provides the majority of the remedial cleanup costs. Owners and operators will see a benefit depending on the risk classification of their site and eligibility for state remedial benefits.

If all of the approximately 3,800 contaminated sites currently identified were cleaned up, the estimated total cleanup cost would be \$342 million. When the law was being considered by the legislature, it was estimated that 25% of the sites would become low risk at a total savings of \$80 million. Based on the above cost estimates, monitoring at low risk sites will reduce total costs by approximately \$32.3 million. Table 1 and Table 2 give a summary of expected corrective action costs.

The many unknowns that contribute to final overall costs can greatly change the above estimates. An intangible economic impact is the loss in property value by adjacent properties caused by contamination considered to be low risk. Contamination from a low risk site will not be cleaned up and may impair the potential use and salability of an adjacent property.

TABLE 1

ESTIMATED CLEANUP COSTS PRIOR TO RULE AMENDMENT ADOPTION				
TYPE OF SITE	CORRECTIVE ACTION	NUMBER OF SITES	AVERAGE COST	ESTIMATED TOTAL COST
All sites	Cleanup	3,800	\$ 90,000	\$ 342 million

TABLE 2

ESTIMATED CORRECTIVE ACTION COSTS FOR HIGH AND LOW RISK SITES				
TYPE OF SITE	CORRECTIVE ACTION	NUMBER OF SITES	AVERAGE COST	ESTIMATED TOTAL COST
High Risk	Cleanup	2,850	\$ 96,000	\$ 273.6 million
Low Risk	Monitoring	950	\$ 38,000	\$ 36.1 million
Total		3,800		\$ 309.1 million
Estimated overall cost reduction due to rule changes				\$ 32.3 million

Mr. Stokes gave a detailed explanation of the economic impact statement and related that if it is approved by the Commission, the related rules will be brought before the Commission next month.

Nancylee Siebenmann stated that in the second last paragraph on Page 1, for clarification purposes, the word "installing" should be deleted.

Mr. Stokes noted that staff will make the change.

Discussion followed regarding the meaning of an "environmentally sensitive" site; average site cleanup costs; and other states costs.

Motion was made by Rozanne King to approve the Economic Impact Statement for Chapter 135 Amendments. Seconded by Charlotte Mohr. Motion carried unanimously.

PETITION FOR RULEMAKING - CITY OF MT. PLEASANT

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The City of Mt. Pleasant has filed the attached Petition for Rulemaking, requesting 1) that the "A" classification of Big Creek, to which its wastewater is discharged, be removed, and 2) that the "B" classifications for Big Creek also be removed. We recommend that a new Notice of Intended Action, eliminating the

"A" classification be filed and additional public comment be taken. This recommendation is solely for the purpose of obtaining additional comments, and is not a recommendation on the substance of the current rule. We also recommend that the Petition with respect to the "B" classification be denied. A proposed response to the Petition, and a proposed Notice of Intended Action, consistent with these recommendations, are attached for the Commission's approval.

(Copy of the Petition and corresponding documents are on file in the department's Records Center)

Mr. Murphy stated that the department feels the "A" classification should be reopened. He related that, originally, the "A" classification was not proposed and it was added as a result of public comment. The city would like a chance to receive public comment on both sides, therefore staff would recommend reopening it through a Notice of Intended Action. He stated that staff does not propose to reopen the "B" classification issue as it was fully considered in the department's major revision of water quality standards in 1990, as well as in classifying Big Creek in 1991. Mr. Murphy noted that a representative of the city was going to appear before the Commission today but they reviewed the staff proposal and are in agreement with it. A letter from the City to that effect was distributed to the Commission.

Motion was made by Margaret Prael to approve the proposed Notice of Intended Action to consider reclassification of the "A" designation for Big Creek, and that the petition with respect to "B" classification be denied. Seconded by Rozanne King. Motion carried unanimously.

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Amoco Pipeline Co. (Dubuque) - hazardous condition (tabled)

- b. Don Maasdam (Rolfe) - solid waste
- c. Vern Starling (Boone Co.) - penalty
- d. Capitol Oil Co. d/b/a Dakota MHP (Iowa City) - penalty
- e. Flyway Cafe (Green Island) - penalty

Amoco Pipeline Company

Motion was made by Charlotte Mohr to remove the Amoco Pipeline Company referral from the table. Seconded by Nancy Lee Siebenmann. Motion carried unanimously.

Mr. Murphy stated that staff has had a response from Amoco and they are very close to resolving this matter, so he would ask that it be tabled again.

Motion was made by Margaret Prahll to table the Amoco Pipeline Company referral indefinitely. Seconded by Rozanne King. Motion carried unanimously.

Vern Starling

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Charlotte Mohr for referral to the Attorney General. Seconded by Nancy Lee Siebenmann. Motion carried unanimously.

Flyway Cafe

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Nancy Lee Siebenmann for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.

GENERAL DISCUSSION

Charlotte Mohr asked who will be the department's representative to the Leopold Center when Jim Combs leaves.

Director Wilson responded that Don Paulin will be the representative to the Leopold Center.

REFERRALS TO THE ATTORNEY GENERAL (Continued)Capitol Oil Company

Mr. Murphy stated that this matter involves a request for referral to obtain payment of an administrative penalty and enforcement of an Administrative Order which required monitoring reports under their discharge permit. The order also required information be submitted on an outfall structure and, if necessary, repair of the structure. Mr. Murphy stated that this is a mobile home park that is operating a lagoon for waste treatment and there has never been any monitoring on it.

APPOINTMENT - STEVEN STRAUSS

Steven Strauss, President of Capitol Oil, stated that he missed the first appeal because he did not know that there was an appeal process. He noted that the site is the location of a mobile home park, restaurant and service station complex. He displayed a topographic engineering study showing the layout of the lagoon with the influent and effluent pipe. He added that those structures are in place and pointed out that the lagoon was originally sized in the event a motel would be erected on the additional property space. Mr. Strauss told of problems they had in acquiring a meter to monitor the influent going into the lagoon. He related that the DNR field office altered their requirements to allow a water meter on the main well to measure the amount of water coming into the system. DNR also asked that a cell test be done to measure the depth of the pond. Mr. Strauss stated that they acquired a water meter from the city of Iowa City and he expanded on problems encountered with reading the meter. He noted that they have solved all of the problems with the meter and will be in compliance by the first of next week. He discussed measuring the cell depth of the lagoon and related that they have never had an overflow problem. Mr. Strauss stated that he knows there is an overflow pipe but cannot locate it because of the vegetative overgrowth. He stated that they are now in position to come into compliance and feel that the lagoon is no threat to the environment.

Nancylee Siebenmann asked Mr. Strauss if he is contesting payment of the administrative penalty.

Mr. Strauss replied that he is not contesting it but he is in hope that he will be relieved of that necessity. He added that this was not a willful thing on his part.

Margaret Prah1 asked how long Mr. Strauss has owned the facility.

Mr. Strauss stated that he has owned it since 1967 and that the lagoon has never presented a problem for anyone.

Discussion followed regarding repair requirements for the lagoon.

Mr. Murphy stated that a discharge lagoon is supposed to have valves to control the discharge and there was no way to determine that there is a functioning valve in the outfall structure.

Nancylee Siebenmann asked if a consent decree could be worked out.

Mr. Murphy stated that if the monitoring is being done and the other things are being taken care of, a consent decree could be worked out.

Motion was made by Margaret Prah for referral to the Attorney General's Office no later than two weeks from today if the penalty has not been paid or compromised to the satisfaction of the staff, and the reporting and repair requirements have not been met. Seconded by Nancylee Siebenmann. Motion carried unanimously.

Don Maasdam

Mr. Murphy stated that Mr. Maasdam previously asked for an appointment to address the Commission and he called this morning and indicated that he may not make it down today. Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Margaret Prah for referral to the Attorney General's Office. Seconded by Nancylee Siebenmann.

Gary Priebe stated that he will abstain from voting due to a conflict of interest in that he has done business with this individual.

Motion carried unanimously.

Commissioner Hartsuck arrived at this point in the meeting (2:30 p.m.). Acting Chairperson Yeager turned the chair over to Commissioner Hartsuck.

FINAL RULE--CHAPTER 61, SECTION 401 CERTIFICATION - CORPS OF ENGINEERS NATIONWIDE PERMITS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Corps of Engineers has adopted final regulations which would modify and reissue their Section 404 nationwide permits. This

reissuance occurs every five years at which time they ask individual states to certify, waive, or deny Section 401 Certification on any or all of the more than 35 nationwide permits. The Corps of Engineers receives, from Iowans, several hundred applications per year to place dredge or fill material into 'waters of the nation'. The permit issuance can be expedited if the applications meet the conditions of one of these nationwide permits.

Historically, the department has provided 401 Certification for many of the nationwide permits. However, three were denied; fill of small wetlands and headwater streams, small fill into any non-wetland waterbody, and activities by federal agencies where a finding of no significant effect was made. Since the certification, waiver or denial of the nationwide permits may affect many activities in the state, formal rulemaking activities were deemed appropriate prior to providing formal response to the Corps of Engineers.

Six public hearings were held to both provide an explanation of the nationwide permits and receive comments on the denial or certification of the permits. Extensive oral and written comments were received covering many of the aspects of the nationwide permit program and the role Iowa should follow in the Section 401 Certification process. The comments are presented in a Responsiveness Summary.

Two significant modifications to the proposed rules in the NIA are recommended. The first modification is the Corps' elimination of the controversial Nationwide Permit No.39 'Farmed Wetlands'. Therefore, this nationwide permit will not be addressed in the department rules. The second modification is an attempt to secure conditional certification for many of the nationwide permits which were proposed to be denied. The Corps is attempting to facilitate any state interested in conditional certification through either their acceptance of the conditions at the time of final submittal of Iowa's 401 certifications on January 21, 1992 or through a regional permit to be developed in the next several months specifically for Iowa. The proposed conditions for certification are presented in the draft final rule.

The commission is requested to approve the final rule and approve pursuing finalizing, with the Corps, the conditional certification for the applicable nationwide permits which are denied.

A copy of the Responsiveness Summary is on file in the department's Records Center.

(Rule is shown on the following 7 pages)

DATE: January 17, 1992
TO: Environmental Protection Commission
FROM: Mike Murphy
SUBJECT: Nationwide Permits Rules

The following minor changes should be made in the final rule adoption on the above subject, based on minor wording or other changes made by the Corps in their final rules:

1. Preamble, number 6 - add permit 30 in this comment, since the Corps did not adopt this permit.
2. Rule, permit 12 - add the words "and bedding" at the end.
3. Rule, permit 21 - add the word "coal" after "surface".
4. Rule, permit 27 - change the name to "Wetland and riparian restoration and creation activities."
5. Rule, permit 33 - change the name to "Temporary construction, access, and dewatering."
6. Rule, permit 37 - add the words "and rehabilitation" at the end.
7. Delete reference to permits 29, 30, and 39, since these permits were not adopted. If and when they are, our rules can be amended.

In addition, we recommend that Permit 14 - Road Crossing be certified. In our Notice of Intended Action we proposed to certify this permit, and we had certified it in 1984. In the proposed final rule we recommended conditional certification, based on public comments that the covered road projects could have adverse impacts on sensitive areas, particularly wetlands. We have since received statements from state and county officials regarding the large number and types of small road projects. We now conclude that this permit should be certified because:

1. It was previously certified, and the Department is not aware of any significant adverse effects resulting between 1984 and now because of this.
2. The Notice of Intended Action proposed certification.
3. The conditional certification would result in thousands of applications needing to be processed each year.
4. The Corps permit does require that "predischage notification" be made to it in all such projects impacting wetlands, and this process will enable the Department to have some input in those instances to help assure no adverse impacts.

ENVIRONMENTAL PROTECTION COMMISSION (567)

Adopted and Final Rule

Pursuant to the authority of Iowa Code sections 455B.105(3) and 455B.173(2), the Environmental Protection Commission amends Chapter 61, "Water Quality Standards." The amendments certify, conditionally certify, or deny certification pursuant to section 401 of the federal Clean Water Act (33 U.S.C. section 1341) of "nationwide permits" of the the United States Army Corps of Engineers, published in the November 22, 1991 Federal Register, pp. 59134-59147.

Notice of Intended Action was published in IAB Volume XIV, No. 1, July 10, 1991, pages 15-18, ARC number 2118A. Six public hearings were held from July 31 through August 5, 1991, and numerous written comments were received on the proposed rule amendments. The following changes were made from the proposed rules:

1. Since many of the nationwide permits for which the department proposed to deny 401 certification will now be conditionally certified, the introductory paragraph of new paragraph "i" of subrule 61.2(2) is changed to add a new sentence explaining that the person conducting an activity covered by a conditionally certified permit must submit documentation to the department under the procedures described in the Corps of Engineers' "predischARGE notification" regulations, demonstrating compliance with the conditions for certification. Minor clarifications are made in the first sentence, referencing nationwide permits.
2. Permit 13. The proposed denial of certification of this permit is changed to certify it as to activities specifically exempt by rule from flood plain permits; to deny certification only as to bank stabilization activities covered by this permit on designated protected water bodies; and to conditionally certify all other covered activities if prescribed materials and slopes are used.
3. Permits 14, 18, 23, and 26. The proposed denials of certification of permits 18, 23, and 26, and certification of permit 14 are changed to certify them as to activities specifically exempt by rule from flood plain permits, and activities covered by these permits on specified minor creeks or drainageways; to conditionally certify them as to activities covered by these permits in Type 1 or 2 wetlands that are more than 1/4 mile from specified protected water bodies, and on most "general use" streams, if mitigation is provided; and to deny certification in all other instances.
4. Permit 27. Certification is maintained for this permit, and certification is granted for activities otherwise covered by

this permit (wetland restoration activities) which are done under the auspices of Iowa resource agencies.

5. Permit 33. The proposed denial of certification of this permit is changed to deny it only as to designated protected water bodies, and to conditionally certify it as to all other activities covered by this permit if temporary fill material is removed within 15 days after completion of the construction activity and is placed in an upland non-wetland site.
6. Permit 39. Since this permit was not adopted by the Corps no action is taken on this.
7. Permit 40. The proposed denial of certification of this permit is changed to certify, conditionally certify, and deny certification in a manner similar to permits 14, 18, 23, and 26. Note that this Corps permit only addresses structures in previously farmed wetlands, not other water bodies, and changes in the permit as finally adopted by the Corps would not allow such activities in "prairie potholes". Thus it would appear that this permit has limited applicability to Iowa. However, the department's conditional certification is consistent with its other conditional certifications and is made to cover possible instances of activities covered by this Corps permit.

This rule is intended to implement Iowa Code chapter 455B, Division III, Part 1.

Amend subrule 61.2(2) by lettering the last unnumbered paragraph as "h" and adding the following new paragraph:

i. United States Army Corps of Engineers (Corps) nationwide permits, 33 CFR 330, apply as follows. Where the nationwide permit has been certified, no specific Corps permit or 401 certification is required unless required by the nationwide permit or the Corps, and the activity is permitted subject to the terms and conditions of the nationwide permit. Where the nationwide permit has been denied certification, a specific permit from the Corps of Engineers, including specific 401 certification from the Department or waiver thereof, is required, provided that where regional permits have been adopted, the activity is permitted subject to the terms and conditions of the regional permit. Where the nationwide permit has been certified with conditions, no specific Corps permit or 401 certification is required unless required by the nationwide permit or the Corps, provided that predischage documentation of compliance with the conditions shall be submitted to the Department and the Corps, as provided in 33 C.F.R. 330, Appendix C, 13(a)(1) - (f).

Permit 3. Maintenance. Certified.

Permit 4. Fish and wildlife harvesting, enhancement, and attraction devices and activities. Certified.

Permit 5. Scientific measurement devices. Certified.

Permit 6. Survey activities. Certified.

Permit 7. Outfall structures. Certified.

Permit 12. Utility line backfill. Certified.

Permit 13. Bank stabilization. Certified as to activities specifically exempted from flood plain permits as provided in paragraph "h" of this subrule. Denied as to waters designated in subrule 61.3(5), paragraph "e" of these rules as a high quality or high quality resource water body, waters designated as protected wetlands pursuant to Iowa Code chapter 108, and waters associated with state-owned property or sovereign lands. Certified for all other water bodies when the following conditions are met:

1. The stabilizing material consists of native field stone or quarry run rock, or of broken concrete with all reinforcing metal cut flush with the concrete and removed from the material, and the largest flat surface not to exceed four square foot; and

2. The stabilizing material is placed in a manner to achieve a finished slope not steeper than 1.5 feet horizontal to 1.0 foot vertical.

Permit 14. Road crossing. Certified as to activities specifically exempted from flood plain permits as provided in paragraph "h" of this subrule, and as to creeks or drainageways which are not delineated as a stream or river on the most recent USGS 7 1/2

minute topographic maps or which are not classified as a designated use stream by subrule 61.3(5), paragraph "e" of these rules and are devoid of natural meanders remaining in the creek channel. Typically, this type of water body is a grassy waterway or very small creek which has been legally straightened. Denied as to discharges to all other water bodies, with the exception that certification is conditionally granted for:

1. Creeks or drainageways which are delineated as a stream or river on the most recent USGS 7 1/2 minute topographic map, and which are not a designated use stream pursuant to these rules and which have natural meanders, if mitigation for the lost habitat is provided; or

2. Type 1 or 2 wetlands, as described in "Wetlands of the United States", Circular No. 39, U. S. Fish and Wildlife Service, Department of the Interior, 1971 Edition, which are greater than 1/4 mile from a Type 3-7 wetland, from a protected wetland designated pursuant to Iowa Code chapter 108, or from any water body designated by subrule 61.3(5), paragraph "e" of these rules as high quality or high quality resource, if in-kind mitigation for the lost habitat is provided.

Permit 15. U.S. Coast Guard approved bridges. Certified.

Permit 16. Return water from upland contained disposal areas. Certified.

Permit 17. Hydropower projects. Denied.

Permit 18. Minor discharges. Certified as to activities specifically exempted from flood plain permits as provided in paragraph "h" of this subrule, and as to creeks or drainageways which are not delineated as a stream or river on the most recent USGS 7 1/2 minute topographic maps or which are not classified as a designated use stream by these rules, and are devoid of natural meanders remaining in the creek channel. Typically, this type of water body is a grassy waterway or very small creek which has been legally straightened. Denied as to discharges to all other water bodies, with the exception that conditional certification is granted for:

1. Creeks or drainageways which are delineated as a stream or river on the most recent USGS 7 1/2 minute topographic maps, and which are not a designated use stream pursuant to these rules and have natural meanders, if mitigation is provided for the lost habitat; or

2. Type 1 or 2 wetlands, as described in "Wetlands of the United States", Circular No. 39, U. S. Fish and Wildlife Service, Department of the Interior, 1971 Edition, which are greater than 1/4 mile from a Type 3-7 wetland, from a protected wetland designated pursuant to Iowa Code chapter 108, or from any water body designated in subrule 61.3(5), paragraph "e" of these rules as

high quality or high quality resource, if in-kind mitigation is provided for the lost habitat.

Permit 20. Oil spill cleanup. Certified.

Permit 21. Surface mining activities. Certified.

Permit 22. Removal of vessels. Certified.

Permit 23. Approved categorical exclusions. Certified as to activities specifically exempted from flood plain permits as provided in paragraph "h" of this subrule and as to creeks or drainageways not delineated as a stream or river on the most recent USGS 7 1/2 minute topographic maps, or which are not a designated use stream pursuant to these rules and are devoid of natural meanders. Typically, this type of water body is a grassy waterway or very small creek which has been legally straightened. Denied as to discharges to all other water bodies, with the exception that conditional certification is granted for:

1. Creeks or drainageways which are delineated as a stream or river on the most recent USGS 7 1/2 minute topographic maps, and which are not a designated use stream pursuant to these rules and have natural meanders, if mitigation is provided for the lost habitat; or

2. Type 1 or 2 wetlands, as described in "Wetlands of the United States", Circular No. 39, U. S. Fish and Wildlife Service, Department of the Interior, 1971 Edition, which are greater than 1/4 mile from a Type 3-7 wetland, from a protected wetland designated pursuant to Iowa Code chapter 108, or from any water body designated in subrule 61.3(5), paragraph "e" of these rules as high quality or high quality resource, if in-kind mitigation is provided for the lost habitat.

Permit 25. Structural discharge. Certified.

Permit 26. Headwaters and isolated waters discharges. Certified as to activities specifically exempted from flood plain permits as provided in paragraph "h" of this subrule, and as to creeks or drainageways which are not delineated as a stream or river on the most recent USGS 7 1/2 minute topographic maps, or which are not a designated use stream pursuant to these rules and are devoid of natural meanders. Typically, this type of water body is a grassy waterway or very small creek which has been legally straightened. Denied as to discharges to all other water bodies, with the exception that conditional certification is granted for:

1. Creeks or drainageways which are delineated as a stream or river on the most recent USGS 7 1/2 minute topographic maps, and which are not a designated use stream pursuant to these rules and have natural meanders, if mitigation is provided for the lost habitat; or

2. Type 1 or 2 wetlands, as described in "Wetlands of the United States", Circular No. 39, U. S. Fish and Wildlife Service, Department of the Interior, 1971 Edition, which are greater than 1/4 mile from a Type 3-7 wetland, from a protected wetland designated pursuant to Iowa Code chapter 108, or from any water body designated in subrule 61.3(5), paragraph "e" of these rules as high quality or high quality resource, if in-kind mitigation is provided for the lost habitat.

Permit 27. Wetland restoration activities. Certified. In addition, such activities conducted by or contracted through state resource agencies are certified, provided that the activities meet the other conditions for this nationwide permit.

Permit 29. (Reserved).

Permit 30. Dewatering construction sites. Certified.

Permit 32. Completed enforcement actions. Certified.

Permit 33. Temporary construction and access. Denied as to waters designated in subrule 61.3(5), paragraph "e" as high quality, high quality resource, or any of the "B" classifications, waters designated as protected wetlands pursuant to Iowa Code chapter 108, and waters associated with state-owned property or sovereign lands. Conditionally certified as to all other waters, provided that the fill material is removed within 15 days following the completion of the construction activity and placed in an upland non-wetland site.

Permit 34. Cranberry production activities. Certified.

Permit 36. Boat ramps. Certified.

Permit 37. Emergency watershed protection. Certified.

Permit 38. Cleanup of hazardous and toxic waste. Certified.

Permit 39. Agricultural discharges. Reserved.

Permit 40. Farm buildings. Certified as to activities specifically exempt from flood plain permit requirements, as specified in paragraph "h" of this subrule. Denied as to discharges to all other waters, with the exception that conditional certification is granted for Type 1 or 2 wetlands, as described in "Wetlands of the United States", Circular No. 39, U. S. Fish and Wildlife Service, Department of the Interior, 1971 Edition, which are greater than 1/4 mile from a Type 3-7 wetland, from a protected wetland designated pursuant to Iowa Code chapter 108, or from any water body designated in subrule 61.3(5), paragraph "e" as high quality or high quality resource, if in-kind mitigation is provided for the lost habitat.

APPOINTMENT - DON ETLER

Don Etler, Consulting Engineering, Emmetsburg, distributed a summary of his arguments along with copies of Chapter 455B.105(3) and a letter from Mike Sauer, No. Dakota Division of Water Quality. Mr. Etler presented background on the department's denial of certification for several individual's permits, including Nationwide Permit #26. He related that if one of these applicants had lived two miles North (in Minnesota) he would not even have had to apply for a permit. Mr. Etler stated that DNR has done extensive wetland disturbance below Grover's Lake without securing a 404 permit. He noted that he and Jerry Jones petitioned the DNR last spring to submit the decision on recertification of the nationwide permits to rulemaking. He related that the proposed rules are stricter than what has been the policy of the DNR in the last few years. Mr. Etler outlined the following six arguments against the DNR staff recommendations and expanded on each of them:

1. Iowa law, Sec.455B.105(3), says DNR rules implementing federal environmental programs are to be no more strict than required by the federal government unless an explanation is published and a cost analysis is completed. DNR denial of permits already approved by both the EPA and Corps is more strict than required. No explanation or cost analysis has been forthcoming.

2. The proposed rules would require wetland replacement in all cases. Even for farmed wetlands. This "no net loss" policy goes far beyond Iowa law which protects only Type 3 or wetter wetlands larger than two acres located outside of drainage districts. The DNR rule would effectively legislate a "no net loss" law in Iowa for all wetland types including farmed wetlands.

3. Denial of NWP#26 and other permits will require the DNR to review far more permits than are necessary. This costs money and staff time both of which the state can ill afford. The public will also expend funds to make the needless applications to the state.

4. It will slow down the permit process for other projects adding one additional drag to Iowa's economy especially harming small businesses and farmers.

5. Permit denials or expensive mitigation requirements for these minor activities violate an owner's constitutional rights and may result in several taking judgements against the DNR - another cost the state cannot afford.

6. The public will not stand for this nitpicking infringement on their basic rights! The public believes that certain minor activities ought to be permitted without involving the government. It only makes sense.

Mr. Etler went on to explain the North Dakota policy on nationwide permits. He urged the Commission to take no action as this will allow the nationwide permits to take effect in Iowa.

Discussion followed regarding requirements for mitigation and the one acre limitation; the effect this rule would have on drainage districts; the definition of a wetland; costs to comply with the requirements of 401 permits; and what in-kind mitigation is.

Mr. Stokes stated that he would like to call attention to the errata sheet he distributed to the Commission earlier in the day. He noted that there were no changes in substantive issues with the exception that staff will be asking the Commission to grant the waiver for Permit #14. He related that staff had previously proposed to certify that permit. Additionally, this will address the issue raised by DOT regarding the small culverts going across roads. Mr. Stokes stated that the big issue is Nationwide Permit #26 and explained why the proposed rules are not more stringent than federal regulations. He noted that, since 1984, things have been the way they are today, and the workload is not going to change under the staff proposal to grant the blanket waiver for Permit #14. Mr. Stokes covered the following options the Commission could take: 1) approve the package as presented with the modification to grant the waiver for Permit #14; 2) grant the waiver on all of the permits; 3) do nothing. He noted that if the Commission chooses option #3 and takes no action, the COE will consider that to be granting a blanket waiver and the Commission cannot take it back. If the Commission does something affirmative, they can later go back and grant a blanket waiver for some types of issues.

Mr. Murphy stated that in June 1991, the Commission approved a Notice of Intended Action regarding the state's position on certification or denial of certification of the proposed COE Nationwide Permits for 404 dredge and fill. In that Notice, the department proposed to certify 20 of the proposed nationwide permits and deny 7 of them. The effect of certification is to give blanket approval of the specified activities on Iowa waters and it would put Iowa out of the loop as far as any permit review. Denial has the effect of keeping Iowa in that loop. Mr. Murphy stated that the Natural Resource Commission and many environmental groups supported the concept of case-by-case review. He noted that the department is proposing to certify 18 nationwide permits, deny one, and conditionally certify six. He related that the department's recommendation is an attempt to move toward common ground on these issues. Mr. Murphy distributed a summary of neighboring states proposed Section 401 certification of the COE permits. He noted that Missouri is the only one certifying all of the permits. Iowa is taking less than full certification on seven of them.

Discussion followed regarding staff workload remaining as it is; SCS wetland identification and wetland inventory; repair of drainage ditches and how it ties into permit regulations.

Chairperson Hartsuck asked if this rule would cause a landowner to stop present, legal drainage practices.

Mr. Murphy stated that it does not prevent them from cleaning or maintaining their systems, provided it does not involve fill activities.

Clark Yeager commented about the time that has been spent on this issue noting that the hearings were completed in August and now the Commission is asked to vote on it on the last day of the comment period.

Mr. Murphy explained that staff had to wait for the COE to adopt their nationwide permit rules. The COE rules were published on November 22, and with all of the holidays there was not enough time to get the rules to the Commission in December. If the deadline had been earlier than today, the Commission would have had to hold an emergency meeting. He reiterated that if the Commission adopts the rules today it will give them the ability to improve on them at a later date, but if an action is taken to certify all of the permits it would close the book for five years.

Discussion followed regarding the definition of a wetland.

Clark Yeager asked who is correct if an individual does not consider his property to be a wetland but the department does.

Mr. Murphy stated that it would initially be evaluated by the COE to determine if it is a wetland.

Commissioner Yeager commented that if person has an area less than an acre where it was wet and planted around for several years, then it dries up the next year and he adds dirt so he can farm it, it would require review under these rules.

Mr. Stokes stated that the definition of a wetland has not changed; if it still has the kind of vegetative, hydrologic and soil conditions to qualify as a wetland, it will still meet the definition of wetland.

Commissioner Yeager stated that he does not see why the state should want to take a look at less acreage than what the Corps thinks they should be looking at.

Mr. Stokes stated that the decision the Commission has to make is whether or not it is in the best interest of Iowa's environmental resources to do that or not.

Director Wilson commented that he wouldn't encourage the Commission to make a decision on a worst case scenario. He pointed out that there is a need to look at the whole picture and what is best for the environment in protection of the few remaining wetlands. He emphasized that the department's recommendations are to not cede the authority to review and make a decision on 401 certifications. He added that this authority should not be ceded to the federal government.

Discussion followed.

Several people requested to address the Commission on this issue. Chairperson Hartsuck recognized the following people.

DON BALVANZ

Don Balvanz, Hardin County Supervisor, addressed the Commission asking them to pass Permit #26 relating to one acre or less.

DICK DOLANDISH

Dick Dolandish, Polk County Physical Planning Division, stated that there are a lot of instances in Iowa where one acre should be protected. The county applied for a 404 permit on a \$10 million flood project the county is doing with the City of Des Moines. It contains 6/10 of an acre of wetlands and the 404 permit was denied without 401 certification. He added that it is not a site that deserves protection, and DNR is now investigating it as a hazardous waste site. Mr. Dolandish stated that noncertification of the nationwide permit will require that all of the silt cleaned from a drainage ditch be hauled away and it will cost \$2.50/cubic yard to be hauled.

Discussion followed regarding staff workload, and Mr. Stokes reiterated that there will not be an increase in staff workload because of the new rules.

Motion was made by Gary Priebe to certify all of the nationwide permits. Seconded by Rozanne King.

Margaret Prah1 commented that while she is sympathetic and very interested in finding a middle, compromised ground for the concerns expressed at the hearing and today, she does not believe certification of the nationwide permits is the way to do it. She pointed out that by certifying the nationwide permits the Commission will foreclose any opportunity for review for five years, and she feels that would be a mistake. Commissioner Prah1 stated that she would prefer that the Commission make some

modifications to the conditions that have been proposed, or adopt the conditions as written and then direct staff to make future modifications to address the concerns expressed.

Gary Priebe stated that the Commission has had discussion upon discussion on this issue and by certifying these permits the concern expressed by Commissioner Yeager is taken care of. He added that this is also one of his concerns and most of the cases coming before the Commission are a result of a person being mad at a neighbor and turning them in. He noted that by certifying the permits it allows the landowner to make choices to run his operation as he sees fit, and still remain within certain guidelines.

Nancylee Siebenmann stated that some of these concerns could be alleviated in some of the modifications that could be forthcoming. She related that she believes in free enterprise and letting people do as they wish with their land as long as it is environmentally sound. She added that she feels it would be best to modify some of the problems without blanket certification.

Chairperson Hartsuck requested a roll call vote. "Aye" vote was cast by Commissioners Britt, King, Mohr, Priebe, and Yeager. "Nay" vote was cast by Commissioners Prahl and Siebenmann. Motion carried on a vote of 5-Aye to 2-Nay.

Director Wilson stated that he would like to voice displeasure with the action taken on this issue. He related that the Commission had a good opportunity to strike middle ground and do something for the resources and for agriculture and did not do it. He stated that he feels the Commission made a mistake. Nothing would have changed from the way business has been done for the past five years, but the Commission has now made a decision that completely ties the hands of the department, sacrifices the resource, and cedes Iowa's authority to the federal government. He noted that the department needed that authority to review those cases on a one-by-one basis. It has been done for the past five years and has worked well. Director Wilson pointed out that the Commission is appointed to protect the natural resources of the state and when decisions are made like this, the Commission is not fulfilling its goal.

Clark Yeager commented that the Commission did not have any input on this issue five years ago. He added that the Commission has asked for the past two years for some education to be provided on it. He related that it is a very confusing issue and he is not sure whether the Commission made the right decision or the wrong decision.

Margaret Prahl commented that the agenda brief and memo was the most confusing she has ever read and the most difficult to understand. She added that she really studied the issue because of all the related phone calls she received.

Chairperson Hartsuck stated that the Commission made a very big error on this. He related that his perception of the Commission has suffered as this was alignment that was strictly based on narrow, economic considerations of one business group in the state. He cautioned the Commission relating that they will be perceived as a group of "politicians sitting around dealing" if they do that sort of thing.

Commissioner Prah1 asked if Chairperson Hartsuck meant a group of agricultural interests.

Chairperson Hartsuck indicated that would be the perception any clear-thinking, unbiased person would have of what happened today.

Charlotte Mohr stated that she would like to have had this issue on the agenda as an informational item last month and had time to really go over it. She added that she spent several days studying the information.

Allan Stokes stated that he has always gone on record supporting that a decision is the Commission's choice to make. He added that he recognizes this is the Commission's decision and staff will support it and go on with it, but he asked the Commission to take responsibility for their decision. He related that four hours of conversation was just finished on the subject and he is not sure having it 30 days earlier would have changed anyones mind. He asked the Commission not to blame staff because the information was not provided in adequate time. Mr. Stokes noted that the information is sent ten days in advance of the meeting so the Commission can spend one, or two, or three, or four days on it, if that is what need be.

Margaret Prah1 asked the individuals who voted with the prevailing side to give some thought to move to reconsider the decision so that the Commission does not put themselves and staff in a position where they are powerless for five years. She suggested making a motion to reconsider and modify to certify certain permits and not others, or modify some of the conditions approved in the permits. She noted that she cannot do it as she did not vote with the prevailing side, but would urge one of the Commissioners who can do so, to make a motion to reconsider.

Nancylee Siebenmann stated that she has probably had less exposure to this subject than most of the Commissioners, but she would speak in support of the motion to reconsider because if the Commission cedes the authority, it is gone for five years. She added that she did not understand a lot of the memo but she feels it is a serious mistake to give up everything for five years.

No one took an action to reconsider.

Chairperson Hartsuck stated that he owes the Commission an apology if he inferred that there is a lack of dedication. He

added that he doesn't think anyone who comes down once a month and spends weekends and evenings studying material for \$50/day can be accused of a lack of dedication.

LEGISLATIVE BREAKFAST ASSIGNMENTS

Commissioners volunteered to handle specific topics as follows:

Richard Hartsuck - Water Quality Supply and Wastewater Operations

Gary Priebe - Environmental Trust Fund

Clark Yeager - Corrections Necessary for Federal Clean Air Act

Rozanne King - Increase Administrative Penalty Maximum to \$10,000

Charlotte Mohr - Water Supply/Water Withdrawal/Wastewater Program
Amendments

Margaret Prah1 - UST Amendments

Nancylee Siebenmann - Waste Reduction and Recycling Incentives

Verlon Britt - will circulate and help where needed

Chairperson Hartsuck reminded the Commission of the tour at the Pirelli Armstrong Tire Company following the legislative breakfast tomorrow.

NEXT MEETING DATES

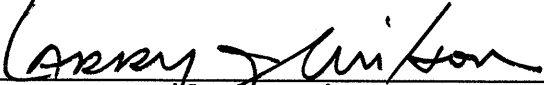
February 17, 1992

March 16, 1992


April 20, 1992

ADJOURNMENT

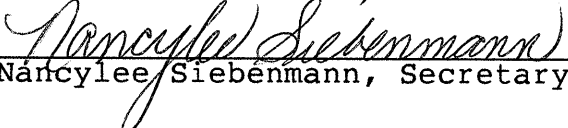
With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 4:45 p.m., Tuesday, January 21, 1992.



Larry J. Wilson, Director



Richard Hartsuck, Chairperson



Nancy Lee Siebenmann, Secretary

January 1992

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